THE AUTHOR

KHURSHEED KAMAL AZIZ was born in December 1927 at village Ballamabad in the Faisalabad district of the Punjab, Pakistan, and was educated at the Forman Christian College and the Government College, Lahore, and at the Victoria University of Manchester in England. He has taught at Government College, Lahore, (1953-57) and at the University of Khartoum (1963-73). In 1959-60 he was Research Fellow in Political Science at the Institute of Commonwealth Studies, University of London. He served as Deputy Historian to the Government of Pakistan in 1961-63. He was Chairman of the National Commission on Historical and Cultural Research, Islamabad, from 1974 to 1978.

Among his other publications are:

Britain and Muslim India (London, 1963), *Some Problems of Research in Modern History* (Rawalpindi, 1966), *The Making of Pakistan* (London, 1967), *Ameer Ali : His Life and Work* (Lahore, 1968), *The Historical Background of Pakistan, 1857-1947* (Karachi, 1970), *The All India Muslim Conference* (Karachi, 1972), *The Indian Khilafat Movement* (Karachi, 1972), *Britain and Pakistan* (Islamabad, 1974), *Party Politics in Pakistan, 1947-1958* (Islamabad, 1976), *The British in India : A Study in Imperialism* (Islamabad, 1976) and *Complete Works of Rahmat Ali* (Islamabad, 1978).

Documentary Series : 3

MUSLIMS UNDER CONGRESS RULE
1937-1939

MUSLIMS UNDER CONGRESS RULE
1937 - 1939

A DOCUMENTARY RECORD

Vol. I

Edited with Notes by
K. K. AZIZ

**NATIONAL COMMISSION ON
HISTORICAL AND CULTURAL RESEARCH
ISLAMABAD**
1978

Printed by
Mirza Mohammad Sadiq at the Ripon Printing Press Ltd., Lahore.

Published by
The National Commission on Historical and Cultural Research,
P. O. Box 1230, Islamabad (Pakistan).

PREFACE

Several British, Indian and Pakistani historians have, explicitly or implicitly, asserted that Muslim reaction to the rule of the Congress party in the Hindu-majority provinces during 1937-39 was an important factor in the making of Pakistan. Had the Congress governments and the party high command conducted themselves differently, the argument runs, the Muslims of these provinces in particular and those of the rest of India in general might possibly have seen some merit in a future united India rather than insisted on separation.

Whether the period and nature of Congress governance constituted a milestone on the way to partition or was a mere episode of no particular significance, is for the historian of modern India to determine. To enable him to do so, I have, in this book, collected, edited, annotated and arranged a large number of contemporary documents and later comments which illustrate the making of Congress ministries and Muslim reaction to their working. Besides the material falling strictly within these years, I have also included some documents which light up the background and history of the Hindu-Muslim question and of the problem of establishing parliamentary democracy in India under British aegis. The bulk of the two volumes may daunt some readers, but I may be allowed the point that the historian wishing to study the affair in depth would prefer a complete record beside his elbow to a collection that left out relevant items. I have written comprehensive explanatory notes on each document so that it is placed in its context. Considerable miscellaneous but pertinent information is embodied in these notes so that the reader can grasp the drift of events and developments. The appendices provide additional information and data which could not be put in the notes. The bibliography at the end has been compiled for the convenience of the reader who desires to read further in the subject.

It ought to be recorded that this work was prepared during 1970-72, when I was teaching at the University of Khartoum. When submitted

to the present publishers in 1974, it had to await its turn, and was finally sent to the printers in 1976. For reasons which cannot be spelt out, this compilation represents the Muslim, or rather the Muslim League, point of view.

I wish to thank the following for their kind permission to reproduce some of these documents (in whole or in extracts): Her Majesty's Stationery Office, the Royal Society for India, Pakistan and Ceylon, The Times Newspapers, Ltd., and *The Observer*, all of London. I made several attempts to trace the copyright holders of the other documents reprinted here, but failed in my efforts. If I have infringed any copyright in reproducing these items, I crave the indulgence of those who possess it and assure them that no violation of the copyright law or convention was intended.

I am beholden to my friend, Mr. B. C. Bloomfield of the School of Oriental and African Studies of the University of London, for helping me in getting xerox copies of certain items. I also wish to record my grateful appreciation of the courteous, prompt and kind co-operation extended to me by the librarians and staff of the University of Khartoum Library, the University of London Library (Senate House), Library of the School of Oriental and African Studies (University of London), the British Museum Reading Room, and the British Museum Newspaper Collection at Colindale.

Islamabad: *K. K. AZIZ*
10 *May*, 1978

CONTENTS

PART III

THE GENERAL ELECTION

PART IV

THE CONGRESS DEMAND FOR ELIMINATING THE STATUTORY SAFEGUARDS

PART V

THE CONGRESS RULES

PART VI

MUSLIM REACTION TO CONGRESS RULE

PART VII

CONGRESS—MUSLIM CORRESPONDENCE

PART VIII

THE DELIVERANCE

PART I

The Background

1

EXTRACTS FROM THE MUSLIM LEAGUE MEMORANDUM SUBMITTED TO THE INDIAN STATUTORY COMMISSION: LAHORE : 5 NOVEMBER 1928

With the redistribution of legislative and administrative areas above outlined, there will be in future five provinces with a Muslim majority of the population out of a total of eleven. [Bengal, the Punjab, Sind, the North-West Frontier Province and Baluchistan.] But just as the minority position of the Muslims in the whole of India is one of the greatest concerns for the community, which is historically, politically and numerically no less important than any other or more important than most, their position in six other provinces is one of so considerable a minority that, unless proper, adequate and effective safeguards are provided in the constitution, by a clear statute fixing their representation definitely and only leaving it to the Central or Provincial Legislature or local bodies and educational institutions or departments to carry out the details of such provision, the main problem of the constitution will continue to remain unsettled. The League, therefore, submits that such a preliminary statute should guarantee such safeguards as will give Muslim interests in India as a whole—that is, both in the Provinces in which they are in a majority and in those in which they are in a minority of the population—sure or special protection especially in the following domains:—

(a) In the exercise of their religious rights, particularly by legislation for allowing cow-slaughter and preventing music before mosques;

Source : *Indian Statutory Commission, Vol. XVI: Selections from Memoranda and Oral Evidence by Non-Officials,* Part I, London, 1930, Muslim League Memorandum, pp. 108-111; para. 9 reproduced here.

(b) In all elected bodies, including municipal and district boards, universities, intermediate education boards, etc., by adequate, effective representation by means of separate electorates;

(c) In the Central and Provincial Cabinets;

(d) In the public services, that is, the services maintained by Government, local bodies or educational and other civic institutions;

(e) In the use of the Urdu language in all institutions maintained or aided by the Government;

(f) In admission of students to all educational institutions maintained or aided by the State, and in the provision of Muslim teachers; and

(g) By a fair and reasonable distribution of grants-in-aid for education and other public objects.

2

ALL INDIA MUSLIM CONFERENCE RESOLUTION ON MUSLIM DEMANDS: DELHI: 1 JANUARY 1929

Whereas, in view of India's vast extent and its ethnological, linguistic, administrative and geographical or territorial divisions, the only form of government suitable to Indian conditions is a federal system with complete autonomy and residuary powers vested in the constituent states, the Central Government having control only of such matters of common interest as may be specifically entrusted to it by the constitution;

And whereas it is essential that no bill, resolution, motion, or amendment regarding inter-communal matters be moved, discussed or passed by any legislature, central or provincial, if a three-fourth [*sic.*] majority of the members of either the Hindu or the Muslim community affected thereby in that legislature oppose the introduction, discussion or passing of such bill, resolution, motion or amendment;

And whereas the right of Muslims to elect their representatives on the various Indian Legislatures through separate electorates is now the law of the land and Muslims cannot be deprived of that right without their consent;

And whereas in the conditions existing at present in India and so long as those conditions continue to exist, representation in various Legislatures and other statutory self-governing bodies of Muslims through their own separate electorates is essential in order to bring into existence a really representative democratic government;

Source : *Report of the All India Muslim Conference held at Delhi on 31st December, 1928, and 1st January, 1929, under the Presidentship of His Highness Sir Agha Sultan Mahomed Shah, Agha Khan,* by authority compiled and published by Hafizur Rehman, n.p.p., 1929, pp. 26-27.

And whereas as long as Musalmans are not satisfied that their rights and interests are adequately safeguarded in the constitution, they will in no way consent to the establishment of joint electorates, whether with or without conditions;

(1) The form of the future Constitution should be federal with the residuary powers vested in the Provinces.

(2) A uniform measure of autonomy shall be granted to all Provinces.

(3) All Legislatures in the country and other elected bodies shall be constituted on the definite principle of adequate and effective representation of Minorities in every Province without reducing the majority in any Province to a minority or even equality.

(4) In the Central Legislature, Musalman representation shall not be less than one-third.

(5) Representation of communal groups shall continue to be by means of separate electorates as at present: provided it shall be open to any community, at any time, to abandon its separate electorate in favour of joint electorate.

(6) Any territorial redistribution that might at any time be necessary shall not in any way affect the Muslim majority in the Punjab, Bengal and the North-West Frontier Province.

(7) Full religious liberty, *i.e.*, liberty of belief, worship and observance, propaganda, association and education, shall be guaranteed to all communities.

(8) No Bill or resolution or any part thereof shall be passed in any legislature or any other elected body if three-fourths of the members of any community in that particular body oppose such a Bill, resolution or part thereof on the ground that it would be injurious to the interests of that community, or in the alternative, such other method is devised as may be found feasible and practicable to deal with such cases.

(9) Sind should be separated from the Bombay Presidency.

(10) Reforms should be introduced in the North-West Frontier Province and Baluchistan on the same footing as in other Provinces.

(11) Provision should be made in the Constitution giving Muslims an adequate share, along with the other Indians, in all the Services of the State and in local self-governing bodies having due regard to the requirements of efficiency.

(12) The Constitution should embody adequate safeguards for the protection of Muslim culture and for the protection and promotion of Muslim education, language, religion, personal laws and Muslim charitable institutions and for their due share in the grants-in-aid given by the State and by local self-governing bodies.

(13) No Cabinet, either Central or Provincial, should be formed without there being a proportion of at least one-third Muslim Ministers.

(14) No change shall be made in the Constitution by the Central Legislature except with the concurrence of the States constituting the Indian Federation.

[This draft resolution also offered an alternative to the above provisions in these terms:—]

That, in the present circumstances, representation of Musalmans in the different Legislatures of the country and other elected bodies through the separate electorates is inevitable and further, the Government being pledged over and over again not to disturb this franchise so granted to the Muslim community since 1909 till such time as the Musalmans chose to abandon it, the Musalmans will not consent to joint electorates unless Sind is actually constituted into a separate Province and reforms in fact are introduced in the North-West Frontier Province and Baluchistan on the same footing as in other Provinces.

Further, it is provided that there shall be reservation of seats according to the Muslim population in the various Provinces; but where Musalmans are in a majority they shall not contest more seats than their population warrants.

The question of excess representation of Musalmans over and above their population in Provinces where they are in a minority is to be considered hereafter.

3

JINNAH'S FOURTEEN POINTS: 28 MARCH 1929

Whereas the basic idea on which the All-Parties Conference was called in [*sic.*] being and a Convention summoned at Calcutta during Christmas Week 1928 was that a scheme of reforms should be formulated and accepted and ratified by the foremost political organisations in the country as a National Pact; and whereas the Report was adopted by the Indian National Congress only constitutionally for the one year ending 31st December 1929, and in the event of the British Parliament not accepting it within the time limit, the Congress stands committed to the policy and programme of Complete Independence by resort to civil disobedience and non-payment of taxes; and whereas the attitude taken up by the Hindu Maha Sabha from the commencement through their representatives at the Convention was nothing short of an ultimatum, that if a single word in the Nehru Report in respect of the communal settlement was changed they would immediately withdraw their support to it; and whereas the National Liberal Federation delegates at the Convention took up an attitude of benevolent neutrality, and subsequently in their open session at Allahabad, adopted a non-committal policy with regard to the Hindu-Muslim differences; and whereas the non-Brahmin and Depressed Classes are entirely opposed to it; and whereas the reasonable and moderate proposals put forward by the delegates of the All-India Muslim League at the Convention in modification were not accepted, the Muslim League is unable to accept the Nehru Report.

The League after anxious and careful consideration most earnestly and emphatically lays down that no scheme for the future constitution of the government of India will be acceptable to Musalmans of India

Source : *The Indian Annual Register 1929*, Calcutta, 1929, Vol. I, pp. 364-365.

until and unless the following basic principles are given effect to and provisions are embodied therein to safeguard their rights and interests:—

And whereas, for the purposes aforesaid, it is essential that Musalmans should have their due share in the central and provincial cabinets;

And whereas it is essential that representation of Musalmans in the various legislatures and other statutory self-governing bodies should be based on a plan whereby the Muslim majority in those provinces where Musalmans constitute a majority of population shall in no way be affected and in the provinces in which Musalmans constitute a minority they shall have a representation in no case less than that enjoyed by them under the existing law;

And whereas representative Muslim gatherings in all provinces in India have unanimously resolved that with a view to provide [*sic.*] adequate safeguards for the protection of Muslim interests in India as a whole, Musalmans should have the right of 33 per cent representation in the Central Legislature and this Conference entirely endorses that demand;

And whereas on ethnological, linguistic, geographical and administrative grounds the province of Sindh has no affinity whatever with the rest of the Bombay Presidency and its unconditional constitution into a separate province, possessing its own separate legislative and administrative machinery on the same lines as in other provinces of India, is essential in the interests of its people, the Hindu minority in Sindh being given adequate and effective representation in excess of their population, as may be given to Musalmans in the provinces in which they constitute a minority of population;

And whereas the introduction of constitutional reforms in the N.-W.F. Province and Baluchistan along such lines as may be adopted in other provinces of India is essential not only in the interests of those provinces but also of the constitutional advance of India as a whole, the Hindu minorities in those provinces being given adequate and effective representation in excess of their proportion in population, as is given to the Muslim community in provinces in which it constitutes a minority of the population;

And whereas it is essential in the interests of Indian administration that provision should be made in the constitution giving Muslims their adequate share along with other Indians in all services of the State and on all statutory self-governing bodies, having due regard to the requirements of efficiency;

And whereas, having regard to the political conditions obtaining in India, it is essential that the Indian constitution should embody adequate safeguards for protection and promotion of Muslim education, language, religion, personal law and Muslim charitable institutions, and for their due share in grants-in-aid;

And whereas it is essential that the constitution should provide that no change in the Indian constitution shall, after its inauguration, be made by the Central Legislature except with the concurrence of all the states constituting the Indian federation;

This Conference emphatically declares that no constitution, by whomsoever proposed or devised, will be acceptable to Indian Musalmans unless it conforms with the principles embodied in this resolution.

4

THE INDIAN STATUTORY COMMISSION ON THE HINDU-MUSLIM PROBLEM OF INDIA: LONDON: 1930

When British authority began to extend over the Indian continent it could, as a neutral, set up and endeavour to apply a canon of tolerance, but it could not alter the essential facts of Hindu-Moslem difference. It would be an utter misapprehension to suppose that Hindu-Moslem antagonism is analogous to the separation between religious denominations in contemporary Europe. Differences of race, a different system of law, and the absence of inter-marriage constitute a far more effective barrier. It is a basic opposition manifesting itself at every turn in social custom and economic competition, as well as in mutual religious antipathy. Today, in spite of much neighbourly kindliness in ordinary affairs, and notwithstanding all the efforts made by men of good will in both communities to promote Hindu-Moslem concord, the rivalry and dissension between these two forces are one of the chief stumbling blocks in the way of smoother and more rapid progress.

It is a lamentable fact that the occasions when Hindu-Muhammadan tension is carried to the point of violent outbreak have not diminished since the Reforms [of 1919]. In the five years 1923 to 1927 approximately 450 lives have been lost and 5,000 persons have been injured in communal riots; these figures include some disturbances in which Sikhs were involved. A statement laid on the table of the Legislative Assemblo showed that from September, 1927 to June, 1928 there had been 19 serious Hindu-Muhammadan riots, which had affected every province except Madras.

Source : *Indian Statutory Commission, Report, Vol. I : Survey*, London, 1930, Cmd. 3568, paras. 36, 40, 42, 43, pp. 25-30.

The question has been raised whether Hindu-Muhammadan tension is aggravated or assuaged by the prevailing system of communal representation, under which Moslem voters form a separate electoral roll and choose their own members (as the Sikhs also do in the Punjab), while non-Muhammadan electors are grouped in distinct constituencies and elect their own representatives. . . .But we may say at once that in our judgment communal representation cannot be justly regarded as the reason for the communal tension we have been describing, and there is no solid ground for supposing that if communal representation were abolished communal strife would disappear. The true cause lies deeper and arises from conditions which are far more difficult to change than the mechanics of representation.

But the coming of the Reforms and the anticipation of what may follow them have given new point to Hindu-Moslem competition. A great part of the evidence given before us was on communal lines, and the same cleavage appears in the Reports of the Indian Committees that sat with us. The one community naturally lays claims to the rights of a majority and relies upon its qualifications of better education and greater wealth; the other is all the more determined on those accounts to secure effective protection for its members, and does not forget that it represents the previous conquerors of the country. It wishes to be assured of adequate representation and of a full share of official posts.

Hence has arisen a situation which it is of the most urgent importance for the influences which operate on public opinion in India to relieve. But no cure is likely to be found by ascribing false causes to the disease. The true cause, as it seems to us, is the struggle for political power and for the opportunities which political power confers. We are fully alive to the arguments against communal representation, but we cannot think that it is the effective cause of this deplorable friction.

5

JOINT COMMITTEE ON INDIAN CONSTITUTIONAL REFORM ON THE DIFFICULTIES INVOLVED IN THE WORKING OF A PARLIAMENTARY SYSTEM IN INDIA: LONDON: 1934

Parliamentary government, as it is understood in the United Kingdom, works by the interaction of four essential factors: the principle of majority rule; the willingness of the minority for the time being to accept the decisions of the majority; the existence of great political parties divided by broad issues of policy, rather than by sectional interests; and finally the existence of a mobile body of political opinion, owing no permanent allegiance to any party and therefore able, by its instinctive reaction against extravagant movements on one side or the other, to keep the vessel on an even keel. In India none of these factors can be said to exist today. There are no parties, as we understand them, and there is no considerable body of political opinion which can be described as mobile. In their place we are confronted with the age-old antagonism of Hindu and Muhammadan, representatives not only of two religions but of two civilisations; with numerous self-contained and exclusive minorities, all a prey to anxiety for their future and profoundly suspicious of the majority and of one another; and with the rigid divisions of caste, itself inconsistent with democratic principle. In these circumstances, communal representation must be accepted as inevitable at the present time, but it is a strange commentary on some of the democratic professions to which we have listened. We lay stress on these facts because in truth they are of the essence of the problem and we should be doing

Source : Joint Committee on Indian Constitutional Reform (Session 1933-34), *Volume I* (*Part I*), *Report*, London, 1934, H. L. 6 (I Part I), H. C. 5(I Part I), para. 20, pp. 11-12.

no good service to India by glozing them over. These difficulties must be faced, not only by Parliament, but by Indians themselves. It is impossible to predict whether, or how soon, a new sense of provincial citizenship, combined with the growth of parties representing divergent economic and social policies, may prove strong enough to absorb and obliterate the religious and racial cleavages which thus dominate Indian political life. Meanwhile it must be recognised that, if free play were given to the powerful forces which would be set in motion by an unqualified system of parliamentary government, the consequences would be disastrous to India, and perhaps irreparable. In these circumstances, the successful working of parliamentary government in the Provinces must depend, in a special degree, on the extent to which Parliament can translate the customs of the British Constitution into statutory "safeguards".

PART II

Reaction to the Government of India Act, 1935

6

EXTRACTS FROM SIR WAZIR HASAN'S MUSLIM LEAGUE PRESIDENTIAL ADDRESS: BOMBAY: 11 APRIL 1936

A constitution is literally being forced on us by the British Parliament, which nobody likes, which no one approves of. After several years of Commissions, Reports, Conferences and Committees, a monstrosity has been invented and is being presented to India in the garb of this Constitution Act. It is anti-democratic, it will strengthen all the most reactionary elements in the country and instead of helping us to develop on progressive lines, it will enchain and crush the forces making for democracy and freedom. The Muslim classes, the Muslim masses will suffer from the new scheme as much as any other section of the Indian people.

We have no other choice left but to work on the lines of what is compendiously called constitutional agitation. It has one great advantage, it can be pursued both inside and outside the legislatures and should be pursued in both these spheres. But to be of any use it must be effective, almost compelling in its results, and it cannot be so unless and until it is the voice and the act of a united India. The existing political circumstances of our country present no obstacle in affecting unity. The object of all political organisations, Hindu, Muslim and Agriculturists, is avowedly the attainment of self-government for India. The question of separate and joint electorates has been set at rest and we shall be well advised to leave it there. In the higher interests of the country I appeal for unity not only between Hindus and Muslims as such but also between the various classes and different political organisations. Such unity will not only make an ideal a reality but it will also give opportunity for political adjustment

Source : *The Indian Annual Register 1936,* Calcutta, 1936, Vol. I, pp. 294-295.

amongst all concerned. Even in the past there was no difference on essentials and there is none now. The differences in details have also ceased to exist. Is there any moral justification left for perpetuating differences, when the supreme need of the country in its struggle for freedom is unity? A united India will be a force to be reckoned with, not the helpless victim of callous and irresponsible government.

This unity should not merely be an abstract and distant ideal. We must give it a concrete shape by organizing the broadest strata of the entire Indian people, Hindus, Muslims, Sikhs, Parsis and Christians, on the basis of a common programme of action. We should immediately set about, in co-operation with other progressive political parties in the country to find such minimum measure of agreement as would enable us to act together. I suggest for your consideration the following programme of our immediate aims:—

(1) A democratic responsible government, with adult franchise, to take the place of present system.

(2) Repeal of all exceptionally repressive laws and the granting of the right of free speech, freedom of the press and organisation.

(3) Immediate economic relief to the peasantry; state provision for educated and uneducated unemployed; and an eight-hour working day with fixed minimum wages for the workers.

(4) Introduction of free, compulsory primary education.

A programme of this nature will give us the opportunity to organise a nation-wide movement; it will arouse the political consciousness of millions of our countrymen: it will bring together the various communities and create a spirit of mutual confidence and, finally, it will bring such a pressure on the Government that it cannot be ignored. Its inevitable consequence will be that we will be brought nearer to our goal of freedom. The salvation of the Indian people can only come through their own united efforts. And there is no other method of creating this unity than action on the lines of a programme that cut through our communal divisions and has an appeal not only for the patriotic section of our upper classes but for millions of our poorer countrymen.

I suggest that in order to work out the details of this programme a letter should be issued over the signature of the Permanent President[s] of the League and the Indian National Congress to all political organisations, consisting of Hindus, Muslims and Sikhs etc., alike to attend a meeting at the earliest opportunity. This meeting may be called upon,

(a) to settle an annual programme of action, to be worked both inside and outside of the new legislatures, and local boards.

(b) To draft a constitution for India.

This body should also elect a permanent committee, to see that agitation on the basis of the settled programme is carried through in the country as effectively as possible, to organise the electoral campaign, and generally to give a lead to the country on all important political issues which may arise from time to time.

7

ALL INDIA MUSLIM LEAGUE RESOLUTION ON THE ACT: BOMBAY: 12 APRIL 1936

Resolved that the All India Muslim League enters its emphatic protest against forcing the Constitution as embodied in the Government of India Act of 1935, upon the people of India, against their will and in spite of their repeated disapproval and dissent, expressed by various parties and bodies in the country.

The League considers that having regard to the conditions prevailing at present in the country the Provincial scheme of the Constitution be utilised for what it is worth in spite of the most objectionable features contained therein, which render the real control and responsibility of the Ministry and the Legislature over the entire field of the Government and the administration nugatory.

The League is clearly of the opinion that the All India Federal Scheme of the Central Government embodied in the Government of India Act of 1935, is fundamentally bad. It is most reactionary, retrograde, injurious and fatal to the vital interests of British India vis-a-vis the Indian States, and it is calculated to thwart and delay indefinitely the realization of India's most cherished goal of complete responsible government and is totally unacceptable.

The League considers that the British Parliament should still take the earliest opportunity to review the whole situation afresh regarding the Central Scheme before it is inaugurated; or else the League feels convinced that it would not bring peace and contentment to the people, but on the contrary it will lead to disaster if forced upon the people and persisted in as it is entirely unworkable in the interest of India and her people.

Source : *Resolutions of the All India Muslim League from May 1924 to December 1936,* All India Muslim League Office, Delhi, n. d., Resolution no. 8, pp. 66-67.

8

EXTRACTS FROM JAWAHARLAL NEHRU'S CONGRESS PRESIDENTIAL ADDRESS: LUCKNOW: 12 APRIL 1936

I think that, under the circumstances, we have no choice but to contest the election to the new provincial legislatures, in the event of their taking place. We should seek election on the basis of a detailed political and economic programme, with our demand for a Constituent Assembly in the forefront. I am convinced that the only solution of our political and communal problems will come through such an Assembly, provided it is elected on an adult franchise and a mass basis. That Assembly will not come into existence till at least a semi-revolutionary situation has been created in this country and the actual relationships of power, and apart from paper constitutions, are such that the people of India can make their will felt. When that will happen I cannot say, but the world is too much in the grip of dynamic forces to-day to admit of static conditions in India or elsewhere for long. We may thus have to face this issue sooner than we might expect. But obviously, a Constituent Assembly will not come through the new Act or the new legislatures. Yet we must press this demand and keep it before our country and the world, so that when the time comes we may be ripe for it.

When we have survived the election, what then are we to do? Office or no office? A secondary matter perhaps, and yet behind that issue lie deep questions of principle and vital differences of outlook, and a decision on that, either way, has far-reaching consequence. Behind it lies, somewhat hidden, the question of independence itself and whether we seek revolutionary changes in India or are working for

Source : *The Indian Annual Register 1936*, Calcutta, 1936, Vol. I, pp. 271-275.

petty reforms under the aegis of British imperialism. We go back again in thought to the clash of ideas which preceded the changes in the Congress in 1920. We made a choice then deliberately and with determination and discarded the old sterile creed of reformism. Are we to go back again to that blind and suffocating lane, after all these years of brave endeavour, and to wipe out the memory of what we have done and achieved and suffered? That is the issue and let none of us forget it when we have to give our decision. In this India, crying aloud for radical and fundamental change, in this world pregnant with revolutionary and dynamic possibility, are we to forget our mission and our historic destiny, and slide back to static futility? And if some of us feel tired and hunger for rest and quiet, do we imagine that India's masses will follow our lead, when elemental forces and economic necessity are driving them to their inevitable goal? If we enter the backwaters, others will take our place on the bosom of the flowing stream and will dare to take the rapids and ride the torrent.

How has this question arisen? If we express our hostility to the Act and reject the entire scheme, does it not follow logically that we should have nothing to do with the working of it and should prevent its functioning, in so far as we can? To accept office and industry, under the conditions of the Act, is to negative our rejection of it and to stand self-condemned. National honour and self-respect cannot accept this position, for it would inevitably mean our co-operation in some measure with the repressive apparatus of imperialism, and we would become partners in the repression and in this exploitation of our people. Of course we would try to champion the rights of the people and would protest against repression, but as ministers under the Act, we could do very little to give relief, and we would have to share responsibility for the administration with the apparatus of imperialism for the deficit budgets, for the suppression of labour and the peasantry. It is always dangerous to assume responsibility without power, even in democratic countries; it will be far worse with this undemocratic construction, hedged in with safeguards and reserved powers and mortgaged funds where we have to follow the rules and regulations, of our opponent's making. Imperialism sometimes talks of co-operation but the kind of co-operation it wants is usually known as surrender, and the ministers who accept office will have to do so at the price of surrender of much that they might have stood for in public. That is a humiliating position which self-respect itself should prevent one

from accepting. For our great national organisation to be party to it is to give up the very basis and background of our existence.

Self-respect apart, common sense tells us that we can lose much and gain little by acceptance of office in terms of the Act. We cannot get much out of it, or else our criticism of the Act itself is wrong, and we know that it is not so. The big things for which we stand will fade into the background and petty issues will absorb our attention, and we shall lose ourselves in compromises and communal tangles, and disillusion with us will spread over the land. If we have a majority, and only then can the question of acceptance of office arise, we shall be in a position to dominate the situation and to prevent reactionaries and imperialists from profiting by it. Office will not add to our real strength, it will only weaken us by making us responsible for many things that we utterly dislike.

Again, if we are in a minority, the question of office does not arise. It may be, however, that we are on the verge of majority and with the co-operation of other individuals and groups we can obtain office. There is nothing inherently wrong in our acting together with others on specific issues of civil liberty or economic or other demands, provided we do not compromise on any principle. But I can imagine few things more dangerous and more likely to injure us than the acceptance of office on the sufferance of others. That would be an intolerable position.

So that I am convinced that for the Congress to favour the acceptance of office, or even to hesitate and waver about it, would be a vital error. It will be a pit from which it would be difficult for us to come out. Practical statesmanship is against it, as well as the traditions of the Congress and the mentality we have sought to develop in the people. Psychologically any such lead might have disastrous consequences. If we stand for revolutionary changes, as we do, we have to cultivate a revolutionary mentality among our people, and anything that goes against it is harmful to our cause.

There is one more matter concerning the Constitution Act which has given rise to much controversy. This is the communal decision. Many people have condemned it strongly and I think rightly; few have a good word for it. My own view-point is, however, somewhat different from that of others. I am not concerned so much with what it gives to this group or that but more so with the basic idea behind it. It seeks to divide India into numerous separate compartments, chiefly on a religious basis, and thus makes the devolopment of democracy and

economic policy very difficult. Indeed the communal decision and democracy can never go together. We have to admit that, under present circumstances, and so long as our politics are dominated by middle class elements, we cannot do away with communalism altogether. But to make a necessary exception in favour of our Muslim or Sikh friends is one thing, to spread this evil principle to numerous other groups and thus to divide up the electoral machinery and the legislature into many compartments, is a far more dangerous proposition. If we wish to function democratically the proposed communal arrangement will have to go and I have no doubt that it will go. But it will not go by the methods adopted by the aggressive opponents of the decision. These methods result inevitably in perpetuating the decision for they help in continuing a situation which prevents any reconsideration.

I have not been enamoured of the past Congress policy in regard to the communal question and its attempts to make pacts and compromises. Yet essentially I think it was based on a sound instinct. First of all the Congress always put independence first and other questions, including the communal one, second, and refused to allow any of those other questions to take pride of place. Secondly, it argued that the communal problem had arisen from a certain set of circumstances which enabled the third party to exploit the other two. In order to solve it, one had either to get rid of the third party (and that meant independence), or get rid of that set of circumstances, which meant a friendly approach by the parties concerned and an attempt to soften the prejudice and fear that filled them. Thirdly, that the majority community must show generosity in the matter to allay the fear and suspicion that minorities, even though unreasonably, might have.

That analysis is, I think, perfectly sound. I would add that, in my opinion, real solution of the problem will only come when economic issues, affecting all religious groups and cutting across communal boundaries, arise. Apart from the upper middle classes, who live in hopes of office and patronage, the masses and the lower middle classes have to face identical political and economic problems. It is odd and significant that all the communal demands of any group, of which so much is heard, have nothing whatever to do with these problems of the masses and the lower middle classes.

It is also significant that the principal communal leaders, Hindu or Moslem or others, are political reactionaries, quite apart from the communal question. It is sad to think how they have sided with British

imperialism in vital matters, how they have given their approval to the suppression of civil liberty, how during these years of agony they have sought to gain narrow profit for their group at the expense of the larger cause of freedom. With them there can be no co-operation, for that would mean co-operation with reaction. But I am sure that with the larger masses and the middle classes who may have temporarily been led away by the specious claims of their communal leaders, there must be the fullest co-operation, and out of that co-operation will come a fairer solution of this problem.

I am afraid I cannot get excited over this communal issue, important as it is temporarily. It is after all a side issue and it can have no real importance in the larger scheme of things. Those we think of it as the major issue, think in terms of British imperialism continuing permanently in this country. Without that basis of thought, they would not attach so much importance to one of its inevitable off-shoots. I have no such fear and so my vision of a future India contains neither imperialism nor communalism.

9

INDIAN NATIONAL CONGRESS RESOLUTION ON THE ACT: LUCKNOW: 12-14 APRIL 1936

Whereas the Government of India Act, 1935, which is based on the White Paper and the Joint Parliamentary Report and which is in many respects even worse than the proposals contained in them, in no way represents the will of [*the*] nation, is designed to facilitate and perpetuate the domination and exploitation of the people of India and is imposed on the country to the accompaniment of widespread repression and the suppression of civil liberties, the Congress reiterates its rejection of the new constitution in its entirety.

The Congress, as representing the will of the Indian people for national freedom and a democratic state, declares that no constitution imposed by outside authority and no constitution which curtails the sovereignty of the people of India and does not recognise their right to shape and control fully their political and economic future can be accepted. In the opinion of the Congress such a constitution must be based on the independence of India as a nation and it can only be framed by a Constituent Assembly elected on adult franchise or a franchise which approximates to it as nearly as possible. The Congress therefore reiterates and stresses the demand for a Constituent Assembly in the name of the Indian people and calls upon its representatives and members in legislatures and outside to work for the fulfilment of the demand.

The question of acceptance or non-acceptance of office by Congress members elected to the legislatures under the constitution having been

Source : *The Indian Annual Register 1936*, Calcutta, 1936, Vol. I, pp. 248-249.

agitated in the country the Congress, in view of the uncertainties of the situation as it may develop, considers it inadvisable to commit itself to any decision at this stage on the question and leaves it to be decided at the proper time by the A. I. C. C. after consulting the Provincial Congress Committees.

10

EXTRACTS FROM JAWAHARLAL NEHRU'S CONGRESS PRESIDENTIAL ADDRESS: FAIZPUR: 27 DECEMBER 1936

It seems to me that the only logical consequence of the Congress policy, as defined in our resolutions and in the Election Manifesto, is to have nothing to do with office and ministry. Any deviation from this would mean a reversal of that policy. It would inevitably mean a kind of partnership with British imperialism in the exploitation of the Indian people, in acquiescence, even though under protest and subject to reservations, in the basic ideas underlying the Act, an association to some extent with British imperialism in the hateful task of the repression of our advanced elements. Office accepted on any other basis is hardly possible, and if it is possible, it will lead almost immediately to deadlock and impasse does not frighten us; we welcome it. But then we must think in terms of deadlocks and not in terms of carrying on with the office.

There seems to be a fear that if we do not accept office, others will do so and they will put obstacles in the way of our freedom movement. But if we are in a majority we can prevent others from misbehaving; we can even prevent the formation of any ministry. If our majority is a doubtful one, then office for us depends on compromises with non-Congress elements, a policy full of danger for our cause, and one which would inevitably lead to our acting in direct opposition to the Congress mandate of rejection of the Act. Whether we are in a majority or in a minority, the real thing will always be the organised mass backing behind us. A majority without that backing can do little in the legislatures, even a militant minority with a conscious and organised

Source : *The Indian Annual Register 1936*, Calcutta, 1937, Vol. II, pp. 227-228.

mass support can make the functioning of the Act very difficult.

We have put the Constituent Assembly in the forefront of our programme as well as the fight against the federal structure. With what force can we press these two vital points and build up a mass agitation around them if we wobble over the question of office and get entangled in its web?

11

ALL INDIA MUSLIM LEAGUE RESOLUTION ON FULL INDEPENDENCE AND FEDERATION: LUCKNOW: 15-18 OCTOBER 1937

Resolved that the object of the All India Muslim League shall be the establishment in India of Full Independence in the form of a federation of free democratic states in which the rights and interests of the Musalmans and other minorities are adequately and effectively safeguarded in the constitution.

Source : *Resolutions of the All India Muslim League from October 1937 to December 1938*, All India Muslim League Office, Delhi, n.d., Resolution no. 8, p. 4.

12

ALL INDIA MUSLIM LEAGUE RESOLUTION ON THE 1935 ACT: LUCKNOW: 15-18 OCTOBER 1937

That this meeting of the All India Muslim League records its emphatic disapproval of the scheme of the All India Federation as embodied in the Government of India Act of 1935 and is opposed to its introduction and urges upon the British Government to refrain from its enforcement as it considers the scheme to be detrimental to the interests of the people of India generally and to those of the Muslims in particular.

Source : *Resolutions of the All India Muslim League from October 1937 to December 1938*, All India Muslim League Office, Delhi, n.d., Resolution no. 9, p. 5.

13

ALL INDIA HINDU MAHASABHA RESOLUTION ON THE ACT: AHMEDABAD: 31 DECEMBER 1937

In view of the fact, firstly, that under the constitution laid down in the Government of India Act, 1935, some elements of provincial autonomy have been introduced and the Congress has been actually working provincial governments for the present and secondly, that the provincial autonomy will not work with constitutional smoothness unless responsibility is introduced in the Central Government at least as provided under the Act, this conference puts on record its deliberate opinion that in spite of the defective and unsatisfactory character of the constitution, the Hindus should utilise whatever powers are provided under the Act in the interest of the evolution of Hindustan as a united nation and urge the Government to expedite the introduction of Federation. The Hindu Mahasabha warns the Government and all those who will be concerned with it that as the Mahasabha has fundamental opposition to the so-called Communal Award and is determined to do all that lies in its power to do away with it as early as possible, it (the Mahasabha) will not tolerate any attempt to extend the scope of the Award, or to apply it, also to Indian States.

Source : *The Indian Annual Register 1937*, Calcutta, 1938, Vol. II, p. 421.

14

INDIAN NATIONAL CONGRESS RESOLUTION ON THE ACT: HARIPURA: 19-21 FEBRUARY 1938

The Congress has rejected the new Constitution and declared that a constitution for India, which can be accepted by the people, must be based on independence and can only be framed by the people themselves by means of a Constituent Assembly, without interference by any foreign authority. Adhering to this policy of rejection, the Congress has, however, permitted the formation in provinces of Congress Ministries with a view to strengthen [*sic.*] the nation in its struggle for independence. In regard to the proposed Federation, no such consideration apply even provisionally or for a period, and the imposition of this Federation will do grave injury to India and tighten the bonds which hold her in subjection to imperialist domination. This scheme of Federation excludes from the sphere of responsibility vital functions of government.

The Congress is not opposed to the idea of Federation; but a real Federation must, even apart from the question of responsibility, consist of free units enjoying more or less the same measure of freedom and civil liberty, and representation by the democratic process of election. The Indian States participating in the Federation should approximate to the provinces in the establishment of representative institutions and responsible government, civil liberties and method of election to the Federal Houses. Otherwise the Federation as it is now contemplated, will, instead of building up Indian unity, encourage separatist tendencies and involve the States in internal and external conflicts.

The Congress therefore reiterates its condemnation of the proposed

Source : *The Indian Annual Register 1938*, Calcutta, 1938, Vol. I, pp. 297-298.

Federal Scheme and calls upon the Provincial and Local Congress Committees and the people generally, as well as the Provincial Governments and Ministries, to prevent its inauguration. In the event of an attempt being made to impose it, despite the declared will of the people, such an attempt must be combated in every way, and the Provincial Governments and Ministries must refuse to co-operate with it. In case such a contingency arises, the All India Congress Committee is authorised and directed to determine the line of action to be pursued in this regard.

15

ALL INDIA HINDU MAHASABHA RESOLUTION ON THE ACT: NAGPUR: 29-30 DECEMBER 1938

(*a*) While the Hindu Mahasabha is emphatically of opinion that the Government of India Act 1935 including the scheme of Federation adumberated therein, is a highly inadequate, unsatisfactory and disappointing measure, the Mahasabha, with a view to secure [*sic.*] and maintain [*sic.*] the integrity of the entire country, is of opinion that considering the present situation even the scheme of Federation as it stands in the said Act should be worked in order that British India and Hindu States should send to the Federal Legislature only such representatives as would protect Hindu rights and interests so that the Legislatures may not be misused [*sic.*] by the anti-Hindu, anti-national and reactionary forces in the country.

(*b*) The Hindu Mahasabha strongly condemns the attitude of the Moslem League leaders disclosed by them recently at Karachi in proposing two Federations, one of the Moslem States with liberty to join any other Moslem State beyond the Indian Frontier and another of Non-Moslem States, as not only a serious menace to the growth of an Indian Nation but also as a clear indication on their part to establish a full-fledged Muslim Raj in certain parts of the country leaving a door open for the future domination of the whole of Hindusthan by their co-religionists, Indian or foreign.

(*c*) The Mahasabha calls upon all the Hindus to wake up to the realities of the situation and rally all available forces in order to enable them to frustrate the Moslem object.

Source : *The Indian Annual Register 1938*, Calcutta, 1939, Vol. II. p. 337.

15

ALL INDIA HINDU MAHASABHA RESOLUTION ON THE ACT: NAGPUR: 29-30 DECEMBER 1938

(a) While the Hindu Mahasabha is emphatically of opinion that the Government of India Act 1935 including the scheme of Federation adumberated therein, is a highly inadequate, unsatisfactory and disappointing measure, the Mahasabha, with a view to accure [sic.] and maintain [sic.] the integrity of the entire country, is of opinion that considering the present situation even the scheme of Federation as it stands in the said Act should be worked in order that British India and Hindu States should send to the Federal Legislature only such representatives as would protect Hindu rights and interests so that the Legislatures may not be misused [sic.] by the anti-Hindu, anti-national and reactionary forces in the country.

(b) The Hindu Mahasabha strongly condemns the attitude of the Moslem League leaders disclosed by them recently at Karachi in proposing two Federations, one of the Moslem States with liberty to join any other Moslem State beyond the Indian Frontier and another of Non-Moslem States, as not only a serious menace to the growth of an Indian Nation but also as a clear indication on their part to establish a full-fledged Muslim Raj in certain parts of the country leaving a door open for the future domination of the whole of Hindusthan by their co-religionists, Indian or foreign.

(c) The Mahasabha calls upon all the Hindus to wake up to the realities of the situation and rally all available forces in order to enable them to frustrate the Moslem object.

Source : *The Indian Annual Register 1938*, Calcutta, 1939, Vol. II, p. 258.

PART III

The General Election

16

ALL INDIA MUSLIM LEAGUE RESOLUTION ON CONTESTING THE COMING PROVINCIAL ELECTIONS: BOMBAY: 12 APRIL 1936

Whereas the Parliamentary system of Government which is being introduced in this country with the inauguration of the new constitution, presupposes the formation of parties with a well-defined policy and programme which facilitate the education of the electorate, and co-operation between groups with proximate aims and ideals and ensures the working of the constitution to the best advantage; and whereas to strengthen the solidarity of the Muslim community and to secure for the Muslims their proper and effective share in the provincial governments, it is essential that the Muslims should organise themselves as one party, with an advanced and progressive programme, it is hereby resolved that the All India Muslim League do take steps to contest the approaching provincial elections, and for this purpose appoint Mr. M. A. Jinnah to form a Central Election Board under his presidentship, consisting of not less than 35 members, with powers to constitute and affiliate provincial election boards in various province [*sic.*], having regard to the condition of each province, and devise ways and means for carrying out the aforesaid object.

Source : *Resolutions of the All India Muslim League from May 1924 to December 1936*, All India Muslim League Office, Delhi, n.d., Resolution no. 9, pp. 67-68.

17

ALL INDIA MUSLIM LEAGUE MANIFESTO : 11 JUNE 1936

The advent and the announcement of the Minto-Morley Reforms brought home to the leaders of the Musalmans the necessity of starting a Muslim Political Organisation and thus was founded the All India Muslim League at Dacca in December, 1906.

The League adopted its creed an [*sic.*] ideal definitely in December, 1912 and altered its constitution having for its aims and objects:—

1. Full responsible government for India with adequate and effective safeguards for Musalmans.
2. To protect and advance the political and religious and other rights and interests of the Indian Musalmans.
3. To promote friendship and union between the Musalmans and other communities of India.
4. To maintain and strengthen brotherly relations between the Musalmans of India and those of other countries.

The League has been faithfully and loyally acting in accordance with these fundamental principles ever since. During the period of the existence of the Minto-Morley constitution, it continued from time to time [*sic.*] and represented and watched the true feelings and opinions of the Musalmans. As time went on, the co-operation and help of the prominent leaders of India and particularly that great man, the Maharaja of Mohammedabad [*sic.*], whose selfless devotion, patriotic fervour and singlemindedness of purpose gave the League such a strength and power and support that it reached the zenith of its ascendancy accomplished what is one of the greatest beacon lights in the constitutional history of India, the Lucknow Pact, which is known as "League Congress

Source : All India Muslim League, Central Board, *Policy and Programme*, n.p., n.d. (?1936), pp. 9-16.

Pact" in 1916. This pact will go down in the Indian History as a land mark in the political evolution of the country as a signal proof of identity of purpose and earnestness and co-operation between the two great sections of the people of India, in the task of attainment of responsible government. But the pact was not the last word on the question of adjustment of political differences between Hindus and Musalmans. Nor was it ever intended or could be considered [as such] in the new circumstances that arose and developed since then. The national demand for complete responsible government after the Montagu-Chelmsford Reforms became more and more insistent and from 1920 onwards the Musalmans stood shoulder to shoulder with the sister communities and did not lag behind in their sacrifice and their patriotic co-operation with the Hindus. But as a minority they maintain the principle that their position in any future political constitutional structure should be protected and safeguarded. Here it might be stated that at first sight it may appear to an amateur politician that such a demand savours of communalism, but in reality to those who understand the political and constitutional histories of the world, it must be evident that it is not only natural but it is essential for securing a stable national government by ensuring wholehearted and willing co-operation of the minorities who are made to feel that they can rely upon the majority with the complete sense of confidence and security. In the various steps that followed, the deliberations and collaborations that took place, the League has always stood for full responsible government for India and unflinchingly to-day stands for the same ideal. It deplores that as a result of the Round Table Conference, the British Parliament has forced upon the people of India a constitution embodied in the Government of India Act 1935. Its attitude towards the constitution is defined by its resolution passed at the sessions of the All India Muslim League on the 11th and 12th of April, 1936, to the following effect:—

While it accepts the communal award till a substitute is agreed upon between the communities concerned, it emphatically protests against the constitution embodied in the Government of India Act, 1935, being forced upon the people of India against their will and inspite [*sic.*] of their repeated disapproval and dissent expressed by various parties and bodies in the country.

The League considers that, having regard to the conditions prevailing at present in the country, the provincial scheme of the Constitution be utilized for what it is worth inspite [*sic.*] of the most objectionable

features contained therein, which render the real control and responsibility of the ministry and the Legislature over the entire field of Government and the Administration nugatory.

The League is clearly of the opinion that the All India Federal Scheme of the Central Government, embodied in the Government of India Act of 1935, is fundamentally bad, it is most reactionary, retrograde, injurious and fatal to the vital interests of British India vis-a-vis the Indian States, and it is calculated to thwart and delay indefinitely the realisation of India's most cherished goal of complete responsible government and is totally unacceptable.

The League considers that the British Parliament should still take the earliest opportunity to review the whole situation afresh regarding the Central scheme before it is inaugurated; or else the League feels convinced that the present scheme will not bring peace and contentment to the people, but on the contrary it will lead to disaster if forced upon and persisted in as it is entirely unworkable in the interests of India and her people.[1]

But as it will be observed that as the provincial scheme embodied in the Government of India Act is going to be enforced in the course of the next year, the League decided that having regard to the conditions prevailing at present in the country, the provincial scheme of the constitution be utilised for what it is worth. In view of this decision of the League, the League further decided that a Central Election Board should be formed with power to constitute and affiliate provincial Election Boards in various provinces and passed the following resolution:—

"Whereas the Parliamentary system of Government which is being introduced in this country with the inauguration of the new constitution presupposes the formation of parties with a well-defined policy and programme which facilitate the education of the electorate, and co-operation between groups with proximate aims and ideals and ensures the working of the constitution to the best advantage; and whereas in order to strengthen the solidarity of the Muslim community and to secure for the Muslims their proper and effective share in the provincial governments, it is essential that the Muslims should organise themselves as one party, with an advanced and progressive programme it is hereby resolved that the All India Muslim League do take steps to contest the approaching Provincial elections, and for this purpose appoint

1. There are no quotation marks in the text, but obviously the resolution ends here, (Editor).

Mr. Jinnah to form a Central Election Board under his presidentship, consisting of not less than 35 members, with powers to constitute and affiliate provincial election boards in various Provinces having regard to the condition of each Province, and devise ways and means for carrying out the aforesaid objects."

In pursuance of that resolution the Central Board has been now formed and the policy and the programme of the Central Election Board has to be defined.

The inauguration of the Montagu-Chelmsford scheme of constitution and working thereof has developed and brought forth various forces and it appears that such a power as was available under that scheme has been captured in the various provinces by reactionary conservative element in combination with a coterie of men whose sole aim and object is to secure offices and places for themselves wherever and whenever available. This has suited the Government and these two classes have received every encouragement and support, with the result that they have not only been a hindrance and an obstacle in the way of the independent and progressive intelligentsia but the people generally have been exploited. Thus was created a double domination of the reactionary forces and the imperialistic power. Our aim is that this domination must cease.

The present political situation in the country has been described aptly by the President of the last session of the All India Muslim League in the following words:—

"New problems have arisen to-day. It is not only a question of educating the middle class of the Muslims in India on Western lines and providing them with jobs; it is not only a question in [*sic.*] infusing in them the ideals of Victorian liberalism, on the contrary the present conditions compel us to go much deeper into the problems of entire social regeneration of seventy millions of Muslims of extricating them from the terrible poverty, degradation and backwardness into which they have fallen and giving them at least the rudiments of a civilised existence and making them free citizens of a free land. We must realise, as people of other countries have realised, that a change is necessary and that unless such a change is soon made the whole of this social structure must come down with a crush [*sic.*], which will involve the extinction of not only the educated section of our people but also of all privileged classes whether they hold privileges by reason of caste, land or money. The foundations of the super structure in which we are living to-day were

laid centuries ago and it is but natural that those foundations ceased to be stable now. It is the duty, it is not only an obligation created by motives of self interest, of all of us, the educated classes, the capitalists, and the land holders, to combine together to lay the foundations of a new structure. Of course, in order that this effort must fructify sacrifices will have to be made on the part of all. Let me tell you that the building of such a social edifice will be more glorious, more humane and more just than the building of an empire."

But at the same time we must make it clear that the League is opposed to any movement that aims at expropriation of private property.

The main principles on which we except our representatives in the various legislatures to work will be:—

1. That the present Provincial Constitution and the proposed Central Constitution should be replaced immediately by Democratic full Self-Government.
2. And that in the meantime the representatives of the Muslim League in the various Legislatures will utilise the Legislatures in order to extract the maximum benefit out of the constitution for the uplift of the people in various spheres of national life.

The Muslim League party must be formed as a corollary so long as separate electorates exist but they would be free to co-operate with any group or groups whose aims and ideals are approximately the same as those of the All India Muslim League. The League appeals to Musalmans that they should not permit themselves to be exploited on economic or any other ground which will break up the solidarity of the community.

The Muslim League Central Parliamentary Board adopts the following programme for ensuing elections:—

1. To protect the religious rights of the Musalmans. In all matters of purely religious character, due weight shall be given to the opinions of Jamiat-ul-Ulema Hind and the Mujtahids.
2. To make every effort to secure the repeal of all repressive laws.
3. To resist all measures which are detrimental to the interest of India, which encroach upon the fundamental liberties of the people and lead to economic exploitation of the country.
4. To reduce heavy cost of administrative machinery, central and provincial, and allocate substantial funds for nation building departments.

5. To nationalise Indian Army and reduce the military expenditure.
6. To encourage development of Industries, including cottage industries.
7. To regulate currency, exchange and prices in the interest of economic development of the country.
8. To stand for the social, educational and economic uplift of the rural population.
9. To sponsor measures for the relief of agricultural indebtedness.
10. To make elementary education free and compulsory.
11. To protect and promote Urdu language and script.
12. To devise measures for the amelioration of the general conditions of Muslims.
13. To take steps to reduce the heavy burden of taxation.
14. To create a healthy public opinion and general political consciousness throughout the country.

18

INDIAN NATIONAL CONGRESS ELECTION MANIFESTO: BOMBAY: 23 AUGUST 1936

For more than fifty years the Indian National Congress has laboured for the freedom of India, and ever, as its strength grew and it came to represent more and more the nationalist urge of the Indian people and their desire to put an end to exploitation by British Imperialism, it came into conflict with the ruling power. During recent years the Congress has led great movements for national freedom and has sought to develop sanctions whereby such freedom can be achieved by peaceful mass action and the disciplined sacrifice and suffering of the Indian people. To the lead of the Congress the Indian people have responded in abundant measure and thus confirmed their inherent right to freedom. That struggle for freedom still continues and must continue till India is free and independent.

These years have seen the development of an economic crisis in India and the world which has led to a progressive deterioration in the condition of all classes of our people. The poverty-stricken masses are today in the grip of an even more abject poverty and destitution, and this growing disease urgently and insistently demands a radical remedy. Poverty and unemployment have long been the lot of our peasantry and industrial workers; today they cover and crush other classes also—the artisan, the trader, the small merchant, the middle class intelligentsia. For the vast millions of our countrymen the problem of achieving national independence has become an urgent one, for only independence can give us the power to solve our economic and social problems and end the exploitation of our masses.

Source: Indian National Congress, *A Call to the Nation: being the Election Manifesto of the Indian National Congress*, All India Congress Committee, Allahabad a.d., pp. 1-11.

The growth of the national movement and the economic crisis has [*sic.*] resulted in the intense repression of the Indian people and the suppression of civil liberties, and the British Government has sought to strengthen the imperialist bonds that envelop India and to perpetuate the domination and exploitation of the Indian people by enacting the Government of India Act of 1935.

In the international sphere crisis follows crisis in an ever deepening degree and [*a*] world war hangs over the horizon. The Lucknow Congress called the attention of the nation to this grave situation in India and the world, and declared its opposition to the participation of India in an imperialist war and its firm resolve to continue the struggle for the independence of India.

The Congress rejected in its entirety the constitution imposed upon India by the new Act and declared that no constitution imposed by outside authority and no constitution which curtails the sovereignty of the people of India, and does not recognise their right to shape and control fully their political and economic future, can be accepted. Such a constitution, in its opinion, must be based on the independence of India as a nation and it can only be framed by a Constituent Assembly.

The Congress has always laid stress on the development of the strength of the people and the forging of sanctions to enforce the people's will. To this end it has carried on activities outside the legislatures. The Congress holds that real strength comes from thus organising and serving the masses.

Adhering to this policy and objective, but in view of the present situation and in order to prevent the operation of forces calculated to strengthen alien domination and exploitation, the Congress decided to contest seats in the coming elections for the provincial legislatures. But the purpose of sending Congressmen to the legislatures under the new Act is not to co-operate in any way with the Act but to combat it and seek to end it. It is to carry out, in so far as is possible, the Congress policy of rejection of the Act, and to resist British Imperialism in its attempts to strengthen its hold on India and its exploitation of the Indian people. In the opinion of the Congress, activity in the legislatures should be such as to help in the work outside, in the strengthening of the people, and in the development of the sanctions which are essential to freedom.

The new legislatures, hedged and circumscribed by safeguards and special powers for the protection of British and other vested interests, cannot yield substantial benefits, and they are totally incapable of solving

the vital problems of poverty and unemployment. But they may well be used by Britsh imperialism for its own purposes to the disadvantage and injury of the Indian people. The Congress representatives will seek to resist this, and to take all possible steps to end the various regulations, Ordinances and Acts which oppress the Indian people and smother their will to freedom. They will work for the establishment of civil liberty, for the release of political prisoners and detenus, and to repair the wrongs done to the peasantry and to public institutions in the course of the national struggle.

The Congress realises that independence cannot be achieved through these legislatures, nor can the problems of poverty and unemployment be effectively tackled by them. Nevertheless the Congress places its general programme before the people of India so that they may know what it stands for and what it will try to achieve, whenever it has the power to do so.

At the Karachi session of the Congress in 1931 the general Congress objective was defined in the Fundamental Rights resolution. That general definition still holds. The last five years of developing crisis have however necessitated a further consideration of the problems of poverty and unemployment and other economic problems. With a view to this the Lucknow Congress laid particular stress on the fact that "the most important and urgent problem of the country is the appalling poverty, fundamentally due to antiquated and repressive land tenure and revenue systems, and intensified in recent years by the great slump in prices of agricultural produce," and called upon the Provincial Congress Committees to frame full agrarian programmes. The agrarian programme which will be drawn up by the A. I. C. C. on the basis of these provincial programmes will be issued later.

Pending the formulation of a fuller programme the Congress reiterates its declaration made at Karachi—that it stands for a reform of the system of land tenure and revenue and rent, and an equitable adjustment of the burden on agricultural land, giving immediate relief to the smaller peasantry by a substantial reduction of agricultural rent and revenue now paid by them and exempting uneconomic holdings from payment of rent and revenue.

The question of indebtedness requires urgent consideration and the formulation of a scheme including the declaration of a moratorium, an enquiry into and scaling down of debts and the provision for cheap

credit facilities by the State. This relief should extend to the agricultural tenants, peasant proprietors, small landholders, and petty traders.

In regard to industrial workers the policy of the Congress is to secure to them a decent standard of living, hours of work and conditions of labour in conformity, as far as the economic conditions in the country permit, with international standards, suitable machinery for the settlement of disputes between employers and workmen, protection against the economic consequences of old age, sickness and unemployment, and the right of workers to form unions and to strike for the protection of their interests.

The Congress has already declared that it stands for the removal of all sex disabilities whether legal or social or in any sphere of public activity. It has expressed itself in favour of maternity benefits and the protection of women workers. The women of India have already taken a leading part in the freedom struggle, and the Congress looks forward to their sharing, in an equal measure with the men of India, the privileges and obligations of citizens of a free India.

The stress that the Congress has laid on the removal of untouchability and for the social and economic uplift of the Harijans and the backward classes is well-known. It holds that they should be equal citizens with others with equal rights in all civic matters.

The encouragement of khadi and village industries has also long been a principal plank of the Congress programme. In regard to the larger industries, protection should be given but the rights of the workers and the producers of raw materials should be safeguarded, and due regard should be paid to the interests of village industries.

The treatment of political prisoners has long been a scandal in India. Every effort should be made to improve this and make it humane. It is equally necessary to change the whole basis of the prison administration so that every prisoner might be treated in a humanitarian and rational manner.

The communal decision, which forms part of the new Act, has led to much controversy and the Congress attitude towards it has been misunderstood by some people. The rejection in its entirety of the new Act by the Congress inevitably involves the rejection of the communal decision. Even apart from the Act as a whole, the communal decision is wholly unacceptable as being inconsistent with independence and the principles of democracy; it encourages fissiparous and disruptive tendencies, hinders the normal growth and consideration of economic

and social questions, is a barrier to national progress, and strikes at the root of Indian unity. No community or group in India profits by it in any real sense, for the larger injury caused by it to all outweighs the petty benefits that some have received. Ultimately it probably injures most those groups whom it is meant to favour. The only party that profits by it is the third party rules and exploits us.

The attitude of the Congress is, therefore, not one of indifference or neutrality. It disapproves strongly of the communal decision and would like to end it. But the Congress has repeatedly laid stress on the fact that a satisfactory solution of the communal question can come only through the goodwill and co-operation of the principal communities concerned. An attempt by one group to get some communal favour from the British Government at the expense of another group results in an increase of communal tension and the exploitation of both groups by the Government. Such a policy is hardly in keeping with the dignity of Indian nationalism; it does not fit in with the struggle for independence. It does not pay either party in the long run; it sidetracks the main issue.

The Congress, therefore, holds that the right way to deal with the situation created by the communal decision is to intensify our struggle for independence and, at the same time, to seek a common basis for an agreed solution which helps to strengthen the unity of India. The effort of one community only to change the decision in the face of the opposition of another community might well result in confirming and consolidating that decision, for conflict between the two produces the very situation which gives governments a chance of enforcing such a decision. The Congress thus is of opinion that one-sided agitation can bear no useful results.

It is necessary to bear in mind that the whole communal problem in spite of its importance, has nothing to do with the major problems of India—poverty and wide-spread unemployment. It is not a religious problem and it affects only a handful of people at the top. The peasantry, the workers, the traders and merchants and the lower middle class of all communities are in no way touched by it and their burdens remain.

The question of accepting ministries or not in the new legislatures was postponed for decision by the Lucknow Congress. The A. I. C. C. is of opinion that it will be desirable for this decision to be taken after the elections. Whatever the decision on this question might be, it must be remembered that, in any event, the Congress stands for the rejection

of the new Act, and for no co-operation in its working. The object remains the same: the ending of the Act. With a view to this end every endeavour will be made to prevent the introduction and functioning of the federal part of the scheme, which is intended to perpetuate the domination of imperialist interests and the feudal interests of the States over the whole country and prevent all progress towards freedom. It must be borne in mind that the new provincial assemblies will form the electorate for the proposed federal central legislature and the composition of those provincial legislatures will materially affect the fate of the federal constitution.

We appeal to the country to give every support to the Congress in the elections that are coming. National welfare demands it. The fight for independence calls for it. The effectiveness of the work that the Congress members of the legislatures will do, will depend on their numbers and their discipline and the backing and support that the country gives them. With a clear majority they will be in a position to fight the Act and to help effectively in the struggle for independence. Every party and group that stands aloof from the Congress organisation tends, knowingly or unknowingly, to become a source of weakness to the nation and a source of strength to the forces ranged against it. For the fight for independence a joint front is necessary. The Congress offers that joint national front which comprises all classes and communities, bound together by their desire to free India, end the exploitation of her people, and build up a strong and prosperous and united nation, resting on the well-being of the masses.

With this great and inspiring goal before us, for which so many men and women of India have suffered and sacrificed their all under the banner of the Congress, and for which today thousands of our countrymen are suffering silently and with brave endurance, we call upon our people with full hope and confidence, to rally to the cause of the Congress, of India, of freedom.

THE KARACHI RESOLUTION

The Karachi Congress resolution on Fundamental Rights and Economic Programme, as varied by the All India Congress Committee in its meeting held in Bombay on August 6, 7, and 8, 1931, runs as follows:—

This Congress is of opinion that to enable the masses to appreciate what "Swaraj", as conceived by the Congress, will mean to them, it is desirable to state the position of the Congress in a manner easily understood

by them. In order to end the exploitation of the masses, political freedom must include real economic freedom of the starving millions. The Congress therefore declares that any constitution which may be agreed to on its behalf should provide, or enable the Swaraj Government to provide the following :

Fundamental Rights and Duties

1. (*i*) Every citizen of India has the right of free expression of opinion, the right of free association and combination, and the right to assemble peacefully and without arms, for a purpose not opposed to law or morality.

(*ii*) Every citizen shall enjoy freedom of conscience and the right freely to profess and practise his religion, subject to public order and morality.

(*iii*) The culture, language, and script of the minorities and of the different linguistic areas shall be protected.

(*iv*) All citizens are equal before the law, irrespective of religion, caste, creed or sex.

(*v*) No disability attaches to any citizen by reason of his or her religion, caste, creed or sex, in regard to public employment, office of power or honour, and in the exercise of any trade or calling.

(*vi*) All citizens have equal rights and duties in regard to wells, tanks, roads, schools and places of public resort, maintained out of State or local funds, or dedicated by private persons for the use of the general public.

(*vii*) Every citizen has the right to keep and bear arms, in accordance with regulations and reservations made in that behalf.

(*viii*) No person shall be deprived of his liberty, nor shall his dwelling or property be entered, sequestered, or confiscated, save in accordance with law.

(*ix*) The State shall observe neutrality in regard to all religions.

(*x*) The franchise shall be on the basis of universal adult suffrage.

(*xi*) The State shall provide for free and compulsory primary education.

(*xii*) The State shall confer no titles.

(*xiii*) There shall be no capital punishment.

(*xiv*) Every citizen is free to move throughout India and to stay and settle in any part thereof, to acquire property and follow any trade

or calling, and to be treated equally with regard to legal prosecution or protection in all parts of India.

Labour

2. (*a*) The organisation of economic life must conform to the principle of justice, to the end that it may secure a decent standard of living.

(*b*) The State shall safeguard the interests of industrial workers and shall secure for them, by suitable legislation and in other ways, a living wage, healthy conditions of work, limited hours of labour, suitable machinery for the settlement of disputes between employers and workmen, and protection against the economic consequences of old age, sickness and unemployment.

3. Labour to be freed from serfdom and conditions bordering on serfdom.

4. Protection of women workers, and especially, adequate provision for leave during maternity period.

5. Children of school-going age shall not be employed in mines and factories.

6. Peasants and workers shall have the right to form unions to protect their interest.

Taxation and Expenditure

7. The system of land tenure and revenue and rent shall be reformed and an equitable adjustment made of the burden on agricultural land, immediately giving relief to the smaller peasantry, by a substantial reduction of agricultural rent and revenue now paid by them, and in case of uneconomic holdings, exempting them from rent, so long as necessary, with such relief as may be just and necessary to holders of small estates affected by such exemption or reduction in rent, and to the same end, imposing a graded tax on net incomes from land above a reasonable minimum.

8. Death duties on a graduated scale shall be levied on poverty above a fixed minimum.

9. There shall be a drastic reduction of military expenditure so as to bring it down to at least one half of the present scale.

10. Expenditure and salaries in civil departments shall be largely reduced. No servant of the State, other than specially employed

experts and the like, shall be paid above a certain fixed figure, which should not ordinarily exceed Rs. 500 per month.

11. No duty shall be levied on salt manufactured in India.

Economic and Social Programme

12. The State shall protect indigenous cloth; and for this purpose pursue the policy of exclusion of foreign cloth and foreign yarn from the country and adopt such other measures as may be found necessary. The State shall also protect other indigenous industries, when necessary, against foreign competition.

13. Intoxicating drinks and drugs shall be totally prohibited, except for medicinal purposes.

14. Currency and exchange shall be regulated in the national interest.

15. The State shall own or control key industries and services, mineral resources, railways, waterways, shipping and other means of public transport.

16. Relief of agricultural indebtedness and control of usury—direct and indirect.

17. The State shall provide for the military training of citizens so as to organise a means of national defence apart from the regular military forces.

Agrarian Programme

Resolution 12, Lucknow Congress, 1936

This Congress is of opinion that the most important and urgent problem of the country is the appalling poverty, unemployment and indebtedness of the peasantry, fundamentally due to antiquated and repressive land tenure and revenue systems, and intensified in recent years by the great slump in prices of agricultural produce. The final solution of this problem inevitably involves the removal of British imperialistic exploitation, a thorough change of the land tenure and revenue systems and a recognition by the State of its duty to provide work for the rural unemployed masses.

In view, however, of the fact that agrarian conditions and land tenure and revenue systems differ in the various provinces, it is desirable to consult the Provincial Congress Committees and such peasant organisa-

tions as the Working Committee considers fit, in the drawing up of a full All India Agrarian Programme as well as a programme for each province. This Congress, therefore, calls upon each Provincial Congress Committee to make recommendations in detail to the Working Committee by August 31, 1936, for being considered and placed before the All India Congress Committee having particular regard to the following matters:—

1. Freedom of organisation of agricultural labourers and peasants.
2. Safeguarding of the interests of peasants where there are intermediaries between the State and themselves.
3. Just and fair relief of agricultural indebtedness including arrears of rent and revenue.
4. Emancipation of the peasants from feudal and semifeudal levies.
5. Substantial reduction in respect of rent and revenue demands.
6. A just allotment of the State expenditure for the social, economic and cultural amenities of villages.
7. Protection against harassing restrictions on the utilisation of local natural facilities for their domestic and agricultural needs.
8. Freedom from oppression and harassment at the hands of Government officials and landlords.
9. Fostering industries for relieving rural unemployment.

19

INDIAN NATIONAL CONGRESS RESOLUTION ON ELECTIONS AND CONSTITUENT ASSEMBLY: FAIZPUR: 27-28 DECEMBER 1936

This Congress reiterates its entire rejection of the Government of India Act of 1935 and the constitution that has been imposed on India against the declared will of the people of the country. In the opinion of the Congress any co-operation with this constitution is a betrayal of India's struggle for freedom and a strengthening of the hold of British Imperialism and a further exploitation of the Indian masses who have already been reduced to direct poverty under imperialist domination. The Congress therefore repeats its resolve not to submit to this constitution or to co-operate with it, both inside and outside the legislatures, so as to end it. The Congress does not and will not recognise the right of any external power or authority to dictate the political and economic structure of India, and every such attempt will be met by organised and uncompromising opposition of the Indian people. The Indian people can only recognise a constitutional structure which has been framed by them and which is based on the independence of India as a nation and which allows them full scope for development according to their hopes and desires.

The Congress stands for a genuine democratic State in India where political power has been transferred to the people as a whole and the Government is under their effective control. Such a State can only come into existence through a Constituent Assembly, elected by adult suffrage, and having the power to determine finally the Constitution of the country. To this end the Congress works in the country and

Source: *The Indian Annual Register 1936*, Calcutta, 1937, Vol. II, p. 205.

organise [*sic.*] the masses, and this objective must ever be kept in view by the representatives of the Congress in the legislatures.

The Congress endorses the Election Manifesto of the A. I. C. C. and call upon candidates, standing on its behalf, to carry on their election campaign strictly on its basis and after election, to conduct their work in the legislatures in accordance with it. Congress members of the legislatures should take the earliest oppportunity to forward in the new Assemblies the demand for a Constituent Assembly, elected by adult suffrage, and this demand should be supported by a mass agitation outside to enforce the right of the Indian people to self determination.

The question of acceptance or non acceptance of office by Congress members elected to the legislatures under the new constitution will be decided by the A. I. C. C. as soon after the provincial assembly elections as in practicable. Immediately after the elections the various Provincial Congress Committees will take steps to consult their district and other local Committees and send their own recommendations on this subject, so that the A. I. C. C. may be assisted in deciding this issue by the opinion of the mass of the Congressmen and the country.

20

RESULTS OF THE 1937 GENERAL ELECTION IN THE PROVINCES

Province	Congress	Non-Congress Hindus	Muslim Independents	Muslim United	Muslim League	Other Muslims	Other Parties	European & Anglo-Indians	No Party	Total
Bengal L.A.	54	42	43	..	40	38	..	31	2(a)	250
Bengal L.C.	3	7	13	..	4	..	..	3	..	30
Bihar L.A.	91	4	16	6	..	3	..	..	32	152
Bihar L.C.	..	9	1	2	..	..	..	1	1	14
Assam L.A.	32	9	30	..	4	..	..	..	33	108
Assam L.C.	..	10	6	..	..	..	..	2	..	18
Bombay L.A.	87(b)	27	12	..	18	..	4(c)	8	19	175
Bombay L.C.	16	4	3	..	2	..	..	1	..	26
Madras L.A.	159	..	..	..	9	2	21(d)	9	15	215
Madras L.C.	26	..	..	..	3	..	5(d)	1	11	46
U.P. L.A.	134	9	24	..	26	..	29(e)	6	..	228
U.P. L.C.	8	19	14	..	..	..	10(e)	1	..	52
Punjab L.A.	18	36(f)	..	..	2	4	88(g)	..	27	175
NWFP L.A.	19	1	2	..	..	..	7(h)	..	21	50
Orissa L.A.	36	..	..	..	..	..	24	..	..	60
Sind L.A.	8	14	9	..	..	7	18(i)	..	4	60
C.P. L.A.	71	10	..	..	5	8	..	2	16	112
Total	762	211	173	8	103	62	206	65	181	1,771

(a) Muslims; party not known.
(b) Including Communist and Nationalist.
(c) Labour.
(d) Justice Party.
(e) National Agricultural.
(f) Including Sikhs.
(g) Unionists.
(h) Hindu-Sikh Nationalists.
(i) Sind United Party.

Source : Parliamentary Debates, House of Commons, 5th Series, Vol. 321, Cols. 809-810.

PART IV

The Congress Demand for Eliminating the Statutory Safeguards

21

THE INDIAN STATUTORY COMMISSION ON MINORITY SAFEGUARDS AND SPECIAL POWERS FOR THE GOVERNORS: LONDON: 1930

We have had abundant evidence of the feeling of apprehension with which possible changes in the system of government are viewed by many communities. India is a land of minorities. The spirit of toleration, which is only slowly making its way in Western Europe, has made little progress in India. Members of minority communities have unfortunately only too much reason to fear that their rights and interests will be disregarded. The failure to realise that the success of a democratic system of government depends on the majority securing the acquiescence of the minority is one of the greatest stumbling blocks in the way of rapid progress towards self-government in India. Many of those who came before us have urged that the Indian constitution should contain definite guarantees for the rights of individuals in respect of the exercise of their religion and a declaration of the equal rights of all citizens. We are aware that such provisions have been inserted in many constitutions, notably in those of the European States formed after the War. Experience, however, has not shown them to be of any great practical value. Abstract declarations are useless, unless there exists the will and the means to make them effective. Until the spirit of tolerance is more widespread in India and until there is evidence that minorities are prepared to trust to the sense of justice of the majority, we feel that there is indeed need of safeguards. But we consider that the only practical means of protecting the weaker or less numerous elements

Source : Indian Statutory Commission, *Report*, *Vol. II: Recommendations*, London, 1930, Cmd. 3569, paras. 36, 49, 50, pp. 22-23, 35-36.

in the population is by the retention of an impartial power, residing in the Governor-General and the Governors of Provinces, to be exercised for this purpose.

At this point we are inevitably faced with the vital question whether the Governor is to be in the position of a strictly "constitutional" Governor, bound to accept in all circumstances the joint advice of his Ministry, or, on the other hand, whether he should have in reserve the theoretically unrestricted powers of overruling them, which he now possesses *vis-a-vis* his Ministers (or the nearly equally unrestricted powers which he possesses of overruling his Executive Council).

We consider it of great importance that the answer to this question should not be left in doubt. Constitutionally speaking, a middle course must be steered. No provincial Government and no provincial Committee has proposed that the Governor should invariably be bound in reference to all subjects by the advice of his Ministry (nor does the Central Committee take that view), and we regard it as beyond question that to attempt to introduce such a practice in present circumstances would be disastrous. The intensity of communal divisions, the general absence of stable parties with assured majorities in the legislature and the lack of experience of the working of a fully responsible system of Government, all present insuperable obstacles. On the other hand, the constitutional development at which we are aiming, and the growth of a sense of responsibility, would be unnecessarily hampered if the Governor had absolutely unlimited powers of overriding his Ministry.

We think the Governor should, on the administrative side, be given statutory powers to direct that action should be taken otherwise than in accordance with the advice of his Ministry (though subject always to the superintendence, direction and control of the Governor-General) only for certain purposes. Two of these are fundamental to the preservation of the peace and good government of the province. We are not attempting to settle the draft clause, but we should be disposed to describe these two as matters in which, in the Governor's opinion, he must give such directions:—

(1) In order to preserve the safety and tranquillity of the province; or

(2) In order to prevent serious prejudice to one or more sections of the community as compared with other sections.

22

THE WHITE PAPER ON THE GOVERNOR'S RESPONSIBILITY TO SAFEGUARD MINORITY RIGHTS: LONDON : MARCH 1933

In his Instrument of Instructions the Governor will be enjoined *inter alia* to use his best endeavours to select his Ministers in the following manner, that is, in consultation with the person who, in his judgment, is likely to command the largest following in the Legislature, to appoint those persons (including so far as possible members of important minority communities) who will best be in a position collectively to command the confidence of the Legislature.

In the administration of the government of a Province the Governor will be declared to have a special responsibility in respect of:—

(*a*) the prevention of any grave menace to the peace or tranquillity of the Province or any part thereof;

(*b*) the safeguarding of the legitimate interests of minorities;

(*c*) the securing to the members of the Public Services of any right provided by them by the Constitution and the safeguarding of their legitimate interests;

(*d*) the prevention of commercial discrimination;

(*e*) the protection of the rights of any Indian State;

(*f*) the administration of areas declared, in accordance with the provisions in that behalf, to be partially excluded areas;

(*g*) securing the execution of orders lawfully issued by the Governor-General;

and the Governors of the North-West Frontier Province and of Sind

Source : *Proposals for Indian Constitutional Reform*, London, March 1933, Cmd. 4268. paras. 67, 70, pp. 55-56.

will in addition be respectively declared to have a special responsibility in respect of :—

(*h*) any matter affecting the Governor's responsibilities as Agent to the Governor-General in the Tribal and other Trans-border Areas; and

(*i*) the administration of the Sukkur Barrage.

It will be for the Governor to determine in his discretion whether any of the "special responsibilities" here described are involved by any given circumstances.

23

JOINT COMMITTEE ON INDIAN CONSTITUTIONAL REFORM ON SPECIAL POWERS FOR GOVERNORS TO PROTECT MINORITY RIGHTS : LONDON : 1934

With regard to (*b*) ["the safeguarding of the legitimate interests of minorities"], the Joint Memorandum suggests that the phrase "legitimate interests" should be more clearly defined, and that it should be made more clear that the minorities referred to are the racial and religious minorities generally included by usage in that expression. We doubt if it would be possible to define "legitimate interests" any more precisely. The obvious intention is to secure some means by which minorities can be reasonably assured of fair treatment at the hands of majorities, and "legitimate interests" seems to us a very suitable and reasonable formula. Nor do we think that any good purpose would be served by attempting to give a legal definition of "minorities", the only effect of which would be to limit the protection which the Governor's special responsibility is intended to afford. No doubt it will be the five or six well recognised and more important minorities in whose interests the Governor's powers will usually be invoked; but there are certainly other well-defined sections of the population who may from time to time require protection, and we can see no justification for defining the expression for the purpose of excluding them. We need hardly say that we have not in mind a minority in the political or parliamentary sense, and no reasonable person would, we think, ever so construe the word. Nevertheless to prevent misunderstanding we recommend that the

Source : Joint Committee on Indian Constitutional Reform (Session 1933-34), ***Volume I*** (*Part I*), *Report,* London, 1934, H.L. 6 (I Part I), H.C. 5 (I Part I), paras. 79, 112, 113, 115, pp. 44-45, 63, 64, 65.

Instrument of Instructions should make this plain, and further that this special responsibility is not intended to enable the Governor to stand in the way of social or economic reform merely because it is resisted by a group of persons who might claim to be regarded as a minority.

The Legislature will be based on a system of communal representation, and the Governor will be directed by his Instrument of Instructions to include in his Ministry, so far as possible, members of important minority communities. A Ministry thus formed must tend to be the representative, not, as in the United Kingdom, of a single majority party or even of a coalition of parties, but also of minorities as such.

We think that the wording of the Governor's Intrument of Instructions proposed in the White Paper in regard to the selection of his Ministers should be re-examined with a view to giving greater lattitude to the Governor. It is our earnest hope that, in the future, parties may develop in the Provincial Legislatures which will cut across communal lines, and the proposed wording of the Instrument of Instructions as it now stands might, if literally obeyed, operate to prevent both the growth of such parties and the formation of homogeneous Ministries. We recognise that nothing ought to be done at the present time which would excite suspicion or distrust in the mind of the minorities, but in this, as in other matters, we think that the course of wisdom is to give the Governor the widest possible latitude.

We may be thought to have laid too great emphasis upon the difficulties likely to arise in the working of the new Constitution in an Indian Province; but we have endeavoured to describe the situation as it has presented itself to us, without prejudice or exaggeration; and if we have emphasised its difficulties, it is because we are anxious that Indians should not be misled by deceptive analogies with the constitutional practice of the United Kingdom. Responsible government postulates conditions which Indians themselves have still to create. The success of the experiment which we advocate can only be proved by its results, and the political education both of the Legislatures and of the electorate is likely to be a slow process. But we are none the less convinced that Indians must be given the opportunity of purchasing their own experience, and we are at one with the Statutory Commission in seeing no future for responsible government in India unless the difficulties to which we have thought it right to draw attention are directly faced and in the end surmounted.

24

EXTRACTS FROM THE GOVERNMENT OF INDIA ACT OF 1935 RELEVANT TO THE SPECIAL POWERS OF THE GOVERNORS: LONDON: JULY 1935

50. (1) There shall be a council of ministers to aid and advise the Governor in the exercise of his functions, except in so far as he is by or under this Act required to exercise his functions or any of them in his discretion:

Provided that nothing in this subsection shall be construed as preventing the Governor from exercising his individual judgment in any case where by or under this Act he is required so to do.

(2) The Governor in his discretion may preside at meetings of the council of ministers.

(3) If any question arises whether any matter is or is not a matter as respects the Governor is by or under this Act required to act in his discretion or to exercise his individual judgment, the decision of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called into question on the ground that he ought or ought not to have acted in his discretion or ought or not to have exercised his individual judgment.

52. (1) In the exercise of his functions the Governor shall have the following special responsibilities, that is to say :—

(*a*) the prevention of any grave menace to the peace or tranquillity of the Province or any part thereof;

(*b*) the safeguarding of the legitimate interests of minorities;

Source : *The Government of India Act, 1935*, Government of India Press, New Delhi, 1935, pp. 34-37, 70.

(*c*) the securing to, and to the dependants of persons who are or have been members of the public services of any rights provided or preserved for them by or under this Act, and the safeguarding of their legitimate interests;

(*d*) the securing in the sphere of executive action of the purposes which the provisions of chapter III of Part V of this Act are designed to secure in relation to legislation;

(*e*) the securing of the peace and good government of areas which by or under the provisions of this Part of this Act are declared to be partially excluded areas;

(*f*) the protection of the rights of any Indian State and the rights and dignity of the Ruler thereof; and

(*g*) the securing of the execution of orders or directions lawfully issued to him under Part VI of this Act by the Governor-General in his discretion.

(2) [This subsection only applies to the Central Provinces and Berar.]

(3) If and in so far as any special responsibility of the Governor is involved, he shall, in the exercise of his functions, exercise his individual judgment as to the action to be taken.

54. (1) In so far as the Governor of a Province is by or under this Act required to act in his discretion or to exercise his individual judgment, he shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given to him by the Governor-General in his discretion, but the validity of anything done by a Governor shall not be called in question on the ground that it was done otherwise than in accordance with the provisions of this section.

(2) Before giving any directions under this section, the Governor-General shall satisfy himself that nothing in the directions requires the Governor to act in any manner inconsistent with any Instrument of Instructions issued to the Governor by His Majesty.

108. (2) Unless the Governor-General in his discretion thinks fit to give his previous sanction, there shall not be introduced into, or moved in, a Chamber of a Provincial Legislature any Bill or amendment which :—

(*a*) repeals, amends, or is repugnant to any provisions of any Act of Parliament extending to British India; or

(*b*) repeals, amends, or is repugnant to any Governor-General's Act, or any ordinance promulgated in his discretion by the Governor-General; or

(*c*) affects matters as respects which the Governor-General is by or under this act, required to act in his discretion; or

(*d*) affects the procedure for criminal proceedings in which European British subjects are concerned;

and unless the Governor of the Province in his discretion thinks fit to give his previous sanction, there shall not be introduced or moved any Bill or amendment which:—

(*i*) repeals, amends, or is repugnant to any Governor's Act, or any ordinance promulgated in his discretion by the Governor; or

(*ii*) repeals, amends or affects any Act relating to any police force.

(3) Nothing in this section affects the operation of any other provision in this Act which requires the previous sanction of the Governor-General or of a Governor to the introduction of any Bill or the moving of any amendment.

25

EXTRACTS FROM THE INSTRUMENTS OF INSTRUCTIONS TO THE GOVERNORS ISSUED UNDER THE GOVERNMENT OF INDIA ACT OF 1935: LONDON: 1935

VII. Our Governor shall do all that in him lies to maintain standards of good administration; to encourage religious toleration, co-operation and goodwill among all classes and creeds; and to promote all measures making for moral, social and economic welfare, and tending to fit all classes of the population to take their due share in the public life and government of the Province.

VIII. In making appointment to his Council of Ministers our Governor shall use his best endeavours to select his Ministers in the following manner, that is to say, in consultation with the person who in his judgment is likely to command a stable majority in the Legislature to appoint those persons (including so far as practicable members of important minority communities) who will best be in a position collectively to command the confidence of the Legislature. But, in so acting, he shall bear constantly in mind the need for fostering a sense of joint responsibility among his Ministers.

IX. In all matters within the scope of the executive authority of the Province, save in relation to functions which he is required by the said Act to exercise in his discretion, Our Governor shall in the exercise of the powers conferred upon him be guided by the advice of his Ministers, unless in his opinion so to be guided would be inconsistent with the fulfilment of any of the special responsibilities which are by the said Act committed to him, or with the proper discharge of any of the functions

Source : *Instruments of Instructions to the Governor-General and Governors* His Majesty's Stationery Office, London, 1935, Cmd. 4805, pp. 12-13, 16.

which he is otherwise by the said Act required to exercise on his individual judgment; in any of which cases Our Governor shall, notwithstanding his Ministers' advice, act in exercise of the powers by the said Act conferred upon him in such manner as to his individual judgment seems requisite for the due discharge of the responsibilities and functions aforesaid. But he shall be studious so to exercise his powers as not to enable his Ministers to rely upon his special responsibilities in order to relieve themselves of responsibilities which are properly their own.

X. Our Governor shall interpret his special responsibility for the safeguarding of the legitimate interests of minorities as requiring him to secure, in general, that those racial or religious communities for the members of which special representation is accorded in the Legislature, and those classes of the people committed to his charge who, whether on account of the smallness of their number or their lack of educational or material advantages or from any other cause, cannot as yet fully rely for their welfare upon joint political action in the Legislature, shall not suffer, or have reasonable cause to fear, neglect or oppression. But he shall not regard as entitled to his protection any body of persons by reason only that they share a view on a particular question which has not found favour with the majority.

Further, Our Governor shall interpret the said special responsibility as requiring him to secure a due proportion of appointments in Our Services to the several communities, and, so far as there may be in his Province at the date of the issue of these Our Instructions an accepted policy in this regard, he shall be guided thereby, unless he is fully satisfied that modification of that policy is essential in the interests of the communities affected or of the welfare of the public.

XX. It is Our will that the power vested by the said Act in Our Governor to stay proceedings upon a Bill in the Provincial Legislature in the discharge of his special responsibility for the prevention of grave menace to peace and tranquillity shall not be exercised unless, in his judgment, the public discussion of the Bill would itself endanger peace and tranquillity.

26

ALL INDIA CONGRESS COMMITTEE RESOLUTION ON SAFEGUARDS AND OFFICE ACCEPTANCE: DELHI: 18 MARCH 1937

The All-India Congress Committee records its high appreciation of the magnificent response of the country to the call of the Congress during the recent elections and the approval by the electorate of the Congress policy and programme. The Congress entered these elections with its objective of independence and its total rejection of the new Constitution, and the demand for a Constituent Assembly to frame India's Constitution. The declared Congress policy was to combat the new Act and end it. The electorate has, in overwhelming measure, set its seal on this policy and programme and the new Act therefore stands condemned and utterly rejected by the people through the self-same democratic process which has been evoked by the British Government, and the people have further declared that they desire to frame their own Constitution, based on a national independence, through the medium of a Constituent Assembly elected by adult franchise. This Committee therefore demands, on behalf of the people of India, that the new Constitution be withdrawn.

In the event of the British Government still persisting with the new Constitution, in defiance of the declared will of the people, the All-India Congress Committee desires to impress upon all Congress members of the Legislatures that their work inside and outside the Legislatures must be based on the fundamental Congress policy of combating the new Constitution and seeking to end it, a policy on the

Source : *Resolutions of the Indian National Congress, 1936-1937*, Allahabad, n.d., pp. 10-12.

basis of which they sought the suffrage of the electorate and won their overwhelming victory in the elections. That policy must inevitably lead to deadlocks with the British Government and bring out still further the inherent antagonism between British imperialism and Indian nationalism, and expose the autocratic and undemocratic nature of the new Constitution.

The All-India Congress Committee endorses and confirms the resolutions of the Working Committee passed at Wardha on February 27 and 28, 1937 on the extra-parliamentary activities of Congress members of Legislatures, mass contacts, and the Congress policy in the Legislatures, and calls upon all Congressmen in the Legislatures and outside to work in accordance with the directions contained in them.

And on the pending question of office acceptance, and in pursuance of the policy summed up in the foregoing paragraphs, the All-India Congress Committee authorizes and permits the acceptance of offices in Provinces where the Congress commands a majority in the Legislature, provided the Ministerships shall not be accepted unless the leader of the Congress Party in the Legislature is satisfied and is able to state publicly that the Governor will not use his special powers of interference or set aside the advice of Ministers in regard to constitutional activities.

27

ALL INDIA NATIONAL CONVENTION RESOLUTION: DELHI: 20 MARCH 1937

This convention reiterates the opinion of the people of India that the Government of India Act of 1935 has been designed to perpetuate the subjection and exploitation of the Indian people and so strengthen the hold of British Imperialism on India.

The Convention declares that the people of India do not recognise the right of any external Power or authority to dictate the political and economic structure of India. The Indian people will only accept a constitutional structure framed by them and based on the independence of India as a nation and which allows them full scope for development according to their needs and desires.

The Convention stands for a genuine democratic State in India where political power has been transferred to the people as a whole. Such State can only be created by the Indian people themselves through the medium of a Constituent Assembly elected on the basis of adult suffrage, and having the power to determine finally the Constitution of the country.

The election has, in overwhelming measure, set its seal on the Congress objective of independence and the rejection of the New Constitution. The Constitution therefore stands condemned and utterly rejected by the people through the self-same democratic process which had been invoked by the British Government and the people have further declared that they desire to frame their own constitution based on national independence through the medium of a Constituent Assembly.

Source : *The Indian Annual Register 1937*, Calcutta, 1937, Vol. I, p. 182.

The Convention therefore calls upon all Congress Parliamentary parties to take the earliest opportunity to put forward in the name of the nation, a demand in their respective legislatures that the Government of India Act of 1935 be withdrawn so that the people of India may frame their own Constitution.

28

M. K. GANDHI'S STATEMENT ON SAFEGUARDS AND OFFICE ACCEPTANCE: 30 MARCH 1937

Having brooded over the refusal of Governors to give assurances asked for by invited Congress leaders in majority provinces, I feel I must give my opinion on the situation that has arisen in the country. I have had three cables from London shown to me asking for my opinion. Friends in Madras too have expressed for its publication. Though it is a departure from my self-imposed rule, I can no longer withstand the pressure, especially as I am the sole author of the office-acceptance clause of the Congress resolution and the originator of the idea of attaching a condition to office acceptance. My desire was not to lay down any impossible condition. On the contrary, I wanted to devise a condition that could be easily accepted by Governors. There was no intention whatsoever to lay down a condition whose acceptance would mean any slightest abrogation of the constitution. Congressmen were well aware that they could not, and would not, ask for any such amendment.

Congress policy was, and is, not to secure an amendment but an absolute ending of the constitution which nobody likes. Congressmen were and are also aware that they could not end it by mere acceptance of office, even conditional. The object of that section of the Congress which believed in office-acceptance was pending the creation by means consistent with the Congress creed of non-violence, of a situation that would transfer all power to the people, to work in offices so as to strengthen the Congress which has been shown predominantly to represent mass opinion.

Source : *The Indian Annual Register 1937*, Calcutta, 1937, Vol. I, pp. 242-243.

I felt that this object could not be secured unless there was a gentlemanly understanding between Governors and their Congress Ministers that they would not exercise their special powers of interference so long as Ministers acted within the constitution. Not to do so would be to court an almost immediate deadlock after entering upon office. I felt that honesty demanded that understanding. It is common cause [*sic.*] that Governors have discretionary powers. Surely here was nothing extra constitutional in their saying that they would not exercise their discretion against Ministers carrying on constitutional activities. It may be remembered that the understanding was not to touch numerous other safeguards over which Governors had no power. A strong party with a decisive backing of the electorate could not be expected to put itself in the precarious position of the interference at will of Governors.

The question may be put in another way. Should Governors be courteous to Ministers or discourteous? I hold that it would be distinctly discourteous if they interfered with their Ministers in matters over which the law gave the latter full control and with which Governors were under no legal obligation to interfere. A self-respecting Minister conscious of an absolute majority at his back, could not but demand an assurance of non-interference. Have I not heard Sir Samuel Hoare and other Ministers saying in so many words that ordinarily Governors would not use their admittedly large powers of interference? I claim that the Congress formula asked for nothing more. It has been claimed on behalf of the British Government that the Act gives autonomy to the provinces. If that is so, it is not Governors but Ministers who are during their period of office responsible for the wise administration of their provinces. Responsible Ministers sensible of their duty could not submit to interference in pursuance of their daily duty.

It does, therefore, appear to me that once more the British Government has broken to the heart what it has promised to the ear. I doubt not that they can and will impose their will on the people till the latter develop enough strength from within to resist it but that cannot be called working provincial autonomy. By flouting the majority obtained through the machinery of their creation, they have in plain language ended autonomy which they claim the constitution has given to the provinces.

The rule, therefore, will now be the rule of the sword, not of the pen nor of the indisputable majority.

Any way that is the only interpretation which, with all the goodwill in the world, I can put upon the Government action. For, I believe in the cent per cent honesty of my formula whose acceptance might have prevented a crisis and resulted in the natural, orderly and peaceful transference of power from the bureaucracy to the largest and fullest democracy known to the world.

29

THE SECRETARY OF STATE FOR INDIA ON CONGRESS REFUSAL TO TAKE OFFICE : HOUSE OF LORDS : 8 APRIL 1937

My Lords, I have been asked by my noble friend the Leader of the House (Viscount Halifax) to express to your Lordships his great regret that he is unable to be present this afternoon, more particularly in view of the interest which he takes in the subject that has been brought to our notice by the noble Marquess [of Lothian]. My noble friend the Leader of the House unfortunately is detained elsewhere by an engagement which it was too late to cancel when the noble Marquess's Question appeared on the Order Paper. Nevertheless I am very grateful to the noble Marquess for giving me this opportunity of making a statement with regard to the present position in India, and in doing so may I say with what interest and with what pleasure I listened to what seemed to me, if I may say so, to be the really admirable speech with which the noble Marquess accompanied his Question to me.

In order to make the position clear I must remind your Lordships briefly of the events which led up to the refusal of the representatives of the Congress Party to accept office in those Provinces in which they commanded a majority in the Legislatures. Let me start with the elections which took place some six weeks ago. The noble Marquess in the course of his speech asked me for statistics with regard to the electorates in the different Provinces. I regret that I am not at the moment in possession of the detailed information which would enable me to reply to the noble Marquess under that head, but I would propose, as he suggested, as soon as the information reaches me, to make it available in the form of a White Paper, and that I understand will

Source: *Parliamentary Debates*, House of Lords, 5th Series, Vol. 104, 8 April, 1937, cols. 875-886.

meet the noble Marquess's convenience. It is perhaps sufficient for my purpose this afternoon if I remind your Lordships that at the conclusion of the Elections the Congress Party were in a majority in six out of the eleven Provinces. It was very natural, in view of the attitude which the Congress had all along taken towards the Constitution Act, that speculation should at once become rife as to the attitude which they would now adopt towards the acceptance of office, and it was brought to my notice at an early stage of the events which followed the Elections that an attempt would be likely to be made to secure from the Government as a condition of the acceptance of office by the Congress certain assurances with regard to the use by the Governors of their special powers. In these circumstances the Viceroy, with my full approval, reminded the Governors in the Provinces that while they were entitled to offer, and while he hoped that they would offer, to the Congress leaders in their Provinces the fullest support possible within the framework of the Constitution, there were certain obligations imposed upon them by Parliament of which they could not divest themselves without the authority of Parliament itself.

The scene shifted temporarily from the Provinces to Delhi where, as the noble Marquess has reminded us, the All India Congress Committee were in session, and on March 18 the Committee adopted a resolution in the terms which have been given to your Lordships by my noble friend Lord Lothian. Let me repeat the terms of that resolution, because the resolution is an essential factor in the situation. They run as follows:

> "The All-India Congress Committee authorizes and permits acceptance of office in the Provinces where Congress commands a majority in the Legislature, provided that Ministerships shall not be accepted unless the leader of the Congress Party in the Legislature is satisfied, and able to state publicly, that the Governor will not use his special powers of interference or set aside the advice of Ministers in regard to their constitutional activities."

I confess that there did seem to me to be some ambiguity in the phraseology of that resolution, and in particular with regard to the words "in regard to their constitutional activities", and I am all the more confirmed in that view after listening to the extract from the leading article of the *Tribune* of Lahore which the noble Marquess brought to your Lordships' attention in the course of his speech. But in India it seemed to be generally accepted, both in the press and in other quarters, that the Congress were now in a position to assure themselves

as to the attitude of the Governors towards them without demanding from the Governors any specific assurances which they were not in a position to give them, and when the leaders in the Provinces were invited by the Governors to discuss with them the formation of Ministries it was generally supposed that the question was satisfactorily settled.

It was at this stage, however, that a complete change came over the scene. Acting apparently upon instructions from Congress Headquarters those who had been invited by the Governors in each of the six Provinces to form Ministries declined to accept office unless they received the very assurance which it was constitutionally impossible for the Governors to give them. This was made clear to the public in a series of statements both by the Governors themselves and by certain of the Congress leaders. The tenor of all these statements was much the same, and it is unnecessary therefore for me to trouble your Lordships by quoting extracts from more than one of them.

Mr. Rajagopalachari, who had been invited by Lord Erskine, the Governor of Madras, to form a Ministry in that Province, said in the course of his statement:

> "I explained [that is to Lord Erskine] that I and my Cabinet should be given the fullest freedom of action inside the scope of Provincial Autonomy said to be given under the Government of India Act, and that, while we remain in office and undertake the responsibility of the Government of the Province, His Excellency should assure us—"

and of course these are the essential words—

> "that he will not use his special powers of interference or set aside the advice of the Ministers."

That was a perfectly categorical statement of the pledge he demanded from the Governor. He went on to say:

> "I regret to say that beyond the general offer of good will and co-operation His Excellency has refused to assist me with any assurance of non-interference, formal or informal. I had therefore no option but to express my inability to take up the office under the conditions and respectfully to decline the invitation to form the Ministry".

That then, my Lords, was the position when on March 30th, to my mind, really surprising statement to which the noble Marquess has referred was issued by Mr. Gandhi to the Press.

In the course of it he claimed to be the sole author of the formula authorizing Congress to accept office in those Provinces in which they

were in a majority. He made the following observations:

> "My desire was not to lay down any impossible conditions. On the contrary, I wanted to devise a condition that could easily be accepted by the Governors. There was no intention whatsoever of laying down a condition whose acceptance would mean the slightest abrogation of the Constitution."

He added:

> "Have I not heard Sir Samuel Hoare and other Ministers say in so many words that ordinarily the Governors would not use their admittedly large powers of interference?"

And finally he said:

> "I claim that the Congress formula asked for nothing more."

In other words, Mr. Gandhi now claims that what he was asking from the Governors was quite a small thing, and a thing, moreover, which my right honourable friend and predecessor in office, Sir Samuel Hoare, could quite easily have contemplated, and indeed had contemplated, the Governors being able to give.

As to this I need only say that I have the authority of my right honourable friend for saying that, while he often expressed the view that no occasion for the use by the Governor of his reserve powers need necessarily ever arise, he has never uttered a word which could possibly suggest that he ever contemplated a Governor pledging himself in advance, as he was now being asked to do, to make no use of his special powers. Mr. Gandhi's statement is indeed so astonishing that it appears to me to be explicable only upon the assumption either that he has never read the Act of 1935 and the Instrument of Instructions to the Governors, or indeed the Report of the Joint Select Committee, or that if he has done so, he had completely forgotten when he made his statement to the Press the provisions which are embodied in those documents with regard to the special responsibilities which are imposed upon the Governors. It is all the more unfortunate that Mr. Gandhi should have made a statement of that kind without the book in that in India very large numbers of people are accustomed to regard any statement of the kind made by Mr. Gandhi as being necessarily correct.

In view of the misapprehensions which it has undoubtedly given rise in India, and to some extent in this country also, it seems to me desirable that I should make it clear beyond all possibility of doubt that the demand made by the Governors was one which, without an amend-

ment of the Constitution, they could not possibly have accepted. Perhaps the simplest way of doing that is to consider a concrete example of the position which might arise—quite possibly would arise—if the assurances demanded were in fact to be given. It will be remembered that under Section 52 of the Act certain obligations are imposed upon the Governors of the Provinces, including, for example, an obligation to safeguard the legitimate interests of [the] minorities in India, and further that in so far as any such responsibility is involved the Governor shall in the exercise of his functions exercise his individual judgment as to the action which is to be taken. Now what precisely does that mean? If anybody has any doubts as to what is meant by that he will find his doubts dispelled by a reference to paragraph VIII of the Instrument of Instructions to the Governors, which, like the Act itself, has been passed by both Houses of Parliament.

That paragraph reads as follows:

> "In all matters within the scope of the executive authority of the Province, save in relation to functions which he is required by or under the Act to exercise in his discretion, Our Governor shall—"

and this appears to be, as my noble friend the Marquess of Lothian said, the ordinary practice—

> "in the exercise of his powers conferred upon him be guided by the advice of his Ministers—"

that is the ordinary practice, "unless", and this is where the important exception comes in—

> "unless in his opinion so to be guided would be inconsistent with the fulfilment of any of the special responsibilities which are by the Act committed to him, or with the proper discharge of any of the functions which he is otherwise by or under the Act required to exercise in his individual judgment; in any of which cases Our Governor shall, notwithstanding his Ministers' advice, act in exercise of the powers by or under the Act conferred upon him in such manner as to his individual judgment seems requisite for the due discharge of the responsibilities and functions aforesaid..."

Like the phraseology of all Acts of Parliament and documents of that kind, that sounds a little long and a little involved, but I think it will be quite clear to your Lordships what the effect of it is.

Let us suppose, by way of example, that in a Province in which Hindus are in a majority, or, if you like, in a Province in which the Moslems are in a majority, a Ministry makes a proposal which would

have the effect of curtailing the educational facilities of the Moslems in the one case or for the Hindus in the other case. That action would clearly come within the Congress formula, because it is within the legal competence of the Ministry to propose and of the Legislature to enact such a measure. It could not, therefore, be described as anything but a constitutional activity on their part, and of course it was precisely because it was realised that action of that kind could be taken within the framework of the Constitution that Parliament determined to impose upon the Governor the obligation of protecting the interests of [the] minorities. Very well; in the case that I am considering it is clear that the special responsibility for the safeguarding of the legitimate interests of the minority would be involved, and in accordance with the provisions of the Act and of the Instrument of Instructions the Governor would be bound to exercise his individual judgment as to the action to be taken. As the noble Marquess has pointed out, it does not follow that, because he was exercising his individual judgment, he would differ from the advice tendered to him by his Ministers. He might or might not, but it is within his competence to decide in that case what is to be the action which shall be taken. Now if the Governor had already given the assurance which he was asked to give by the leaders of the Congress who were invited to form Ministries, he would no longer be free to exercise his individual judgment, because he would have promised in any cáse not to set aside the advice of his Ministers, and he would therefore be disabled from discharging the obligation which had specifically been imposed upon him by Parliament.

I hope, my Lords, that by this very simple illustration—and of course it is only one illustration of many which might be given—I have made it clear that the Governors could not give, within the framework of the Constitution, the assurance which was asked of them, and that Mr. Gandhi is therefore in error in assuming that they could. But I would add this: that even supposing that it had been possible, within the framework of the Constitution, to give a pledge of that kind, the pledge could not have been given without a grave breach of faith with the minorities and others in India who had been promised the protection against the arbitrary rule of a majority involved in the special responsibilities and obligations imposed upon the Governor and the powers vested in the Governor to enable him to make the safeguards effective. Opinions, I know, may well differ as to the extent of the necessity for safeguards of this kind, and my noble friend Lord Snell and

I have never been able to see eye to eye on this question. But there is no doubt whatsoever that the minorities in India—and, after all, they are the people primarily affected—do attach the utmost importance to them. It so happens that it was an Indian newspaper, *Justice* of Madras, which compared the Congress demand for non-interference by the Governors to the demands of incendiaries who were requiring an assurance that the fire engines would not be used to put out a conflagration which they had started. That, as I say, is the opinion of an Indian newspaper, and, is not an expression of my own views.

Very well, then, I hope that I have made the constitutional position clear, and let me say, having done that, how profoundly I regret the refusal of the majority in India to take office. In those provinces—Bengal, the Punjab, the North-West Frontier Province, Sind and Assam—where the Congress are not in a majority, Ministries have been formed and are now functioning. In the Provinces in which the Congress are in a majority, Minority Ministries have been formed, and I cannot refrain from giving expression to the appreciation which I must be sure must be felt in all quarters of the House of the public spirit which has been shown by the members of these Minority Ministries who have undertaken what must clearly be to them a very difficult and probably a very distasteful task.

Several NOBLE LORDS: Hear, hear.

The Marquess of ZETLAND: We may well applaud not only their public spirit, but also the sense of the realities of the situation which they have displayed, and we may, I hope, offer to them our cordial good wishes in the discharge of the onerous duties which they have undertaken. I have noticed suggestions—and I cannot pass these by without a few words—to the effect that the appointment of such Ministries is unconstitutional. Let me say that His Majesty's Government are altogether unable to accept as valid any such suggestion. The Act contains a mandatory requirement that "there shall be a Council of Ministers to aid and advise the Governor in the exercise of his functions", and thus makes Ministries an indispensable part of the machinery for carrying on provincial government under Part III of the Act. It further provides that the functions of the Governor with respect to the choosing of his Ministers shall be exercised by him in his discretion.

It is of course true, and nobody would wish to deny it, that the assumption underlying the Act is that any Council of Ministers appointed will, if possible, be selected from persons who command a majority in

the Legislature, and that this should be so is necessitated, naturally, by the fact that without the support of the majority in the Legislature they could not count upon securing their essential legislation or the supply which they require for carrying on [the] government. Accordingly, in Paragraph VII of the Instrument of Instructions, the Governor is enjoined to "use his best endeavours" to select his Ministers in a manner which will ensure that they have such support in the Legislature. But this injunction in the Instrument of Instructions is necessarily not a hard-and-fast one. The wording of it was purposely chosen so as to make allowance for circumstances in which a rigid injunction to this effect might have been impossible to carry out. Hence the expression "use his best endeavours". After all, the King's Government must be carried on, and if the situation is such that the representatives of the majority Party in the Legislature refuse to accept office, it is unquestionably open to the Governor to invite other persons to form a Council of Ministers for the purpose of enabling the King's government to be carried on in accordance with the provisions of the Act, and if such persons accept the Governor's invitation there is nothing in the Act which renders their action, or that of the Governor, either unconstitutional or illegal.

It has also been suggested, my Lords, in connection with the present situation, that the Viceroy should send for Mr. Gandhi in the hope, presumably, of persuading him to modify the attitude towards the acceptance of office which, at his instance, the Congress have taken up. I confess that I find it difficult to see what purpose would be served by such an action on his part. This is, after all, a question of the Government in the Provinces under a system of Provincial Autonomy, an outstanding feature of which is the relaxation of control by the Centre, and as I have already explained, the Governors in the Provinces have already taken the initiative by inviting the representatives of the Congress to form Ministries. It is the Congressmen themselves who have declined, and unless they wish to modify the attitude which they have taken up there is obviously for the present no more to be said. On the other hand, if their decision has, indeed, been due to a genuine misunderstanding of the constitutional position of the Governors, and if Mr. Gandhi, or anyone else representing the Congress, realizes now the real constitutional position as I have tried to explain it this afternoon, was to express a desire in these altered circumstances to see the Viceroy, I have little doubt that the Viceroy would approach the request with every desire to reach an understanding as to what the position of the

Congress leaders in the Provinces actually is in the matter. But it is clearly for those who have been under a misapprehension, if such indeed be the case, to say so.

As to the future, that will depend, of course, on the attitude of the Legislatures, and the Act requires that they shall be summoned not later than six months from the date of the coming into operation of the Constitution. It may be that the policy of the Minority Governments will meet with the approval of the Legislatures. If so, well and good. If, on the other hand, it does not, it will then be open to the Legislatures to express their disapproval in the recognized way. It will then further be open to the majority, in accordance with the universally accepted practice under a system of responsible self-government, to form a Ministry and so to accept responsibility for their action in displacing the Ministry already in power.

The noble Marquess, in a letter which appeared in *The Times* on Tuesday last, stressed the magnitude of the opportunities which are now open to the public men of India, if only they are willing to make use of them; and it is, surely, little less than a tragedy that they should fail to do so, and that they should at the very outset of the new Constitution place this obstacle in the way of that orderly constitutional progress which I am profoundly convinced the vast majority of thinking men in India desire. Let there be no misunderstanding as to what I am now saying. I must repeat that the reserve powers are an integral part of the Constitution, that they cannot be abrogated except by Parliament itself, and that the Governors therefore cannot treat the Congress as a privileged body which is exempt from the provisions of the Constitution by which all other parties are bound. But having said so much, let me add that, for my part, I gladly repeat what has been said on many occasions both by my right honourable friend Sir Samuel Hoare, and by many others—namely, that there is no reason why the reserve powers of the Governors should come into play. Whether they do or not must, of course, depend upon the policy and proceedings of the Ministries themselves, and it is in a spirit of cordial co-operation with, and of sympathetic understanding of, the position of the Ministries, from whatever Party they may be drawn, that the Act will be administered.

30

INDIAN NATIONAL CONGRESS WORKING COMMITTEE RESOLUTION ON SAFEGUARDS AND OFFICE ACCEPTANCE: ALLAHABAD: 28 APRIL 1937

The Working Committee approves of and endorses the action that leaders of Congress parliamentary parties in the provinces took in pursuance of the resolution of the A.I.C.C. of March 18, on being invited by Governors in their respective provinces to help them in the formation of Ministries.

In view of the fact that it is contended by British Ministers that it is not competent for Governors, without amendment of the Act, to give assurance required by the Congress for enabling Congress leaders to form ministries, the Committee wishes to make it clear that the resolution of the A.I.C.C. did not contemplate any amendment of the Act for the purpose of required assurances.

The Working Committee, moreover, is advised by eminent jurists that such assurances can be given strictly within the constitution.

The Working Committee considers that pronouncements of policy of British Government made by Lord Zetland and Mr. Butler are utterly inadequate to meet the requirements of the Congress, are misleading and misinterpret the Congress attitude.

Further the manner and setting in which such pronouncements have been made are discourteous to the Congress.

The past record of the British Government as well as its present attitude show that without specific assurances as required by the Congress, popular Ministers [*sic.*] will be unable to function properly and without irritating interference.

The assurances do not contemplate abrogation of the right of the

Source: *The Indian Annual Register 1937*, Calcutta, 1937, Vol. I, pp. 255-256.

Governor to dismiss the Ministry or dissolve the Provincial Assembly when serious differences of opinion arise between the Governor and his Ministers. But this Committee has grave objection to Ministers having to submit to interference by the Governor with the alternative of themselves having to resign their office instead *sic.* the Governors taking the responsibility of dismissing them.

31

ALL INDIA CONGRESS COMMITTEE STATEMENT ON SAFEGUARDS AND OFFICE ACCEPTANCE : ALLAHABAD: APRIL 1937

A section of Indian politicians have all on [*sic.*] a sudden developed a great desire that the Congress should accept offices. They have filled the columns of Indian and Anglo-Indian papers to prove to the Congress that the salvation of the country lies in their accepting office. They are surprised that Congress leaders are not disturbed or perturbed on the refusal of the Governors to accede to the condition laid down in the Congress resolution. These politicians do not seem to be disturbed even by the appointment of minority ministries consisting of political reactionaries. They therefore straightaway conclude that the Congress never wanted to accept office and the Delhi resolution was just an eye-wash. It was passed to throw dust in the eyes of the public. It was passed merely to cast the blame on the Governors for refusing, as they and their advocate say, the contract themselves out of their legal obligations under the Act. Even after the clear and lucid statement of Gandhiji our friends do not seem inclined to believe that Congress was honest in its desire to accept office.

Why are these politicians so anxious that the Congress should accept office? They were not friendly at the time of the elections! Why then this sudden affection and anxiety? Is it that they have been converted by success achieved at the polls? Has it changed their apathy into affection? Let us examine the pathology of this conversion a little closely.

It is no love of the Congress that has inspired the anxiety that Congress should not refuse office. It is rather the inveterate constitutionalism of this variety of politicians. If the majority party does not accept

Source: *The Indian Annual Register 1937*, Calc 1937, Vol. I, pp. 245-246.

office the constitution breaks down. If there is no constitution or if it breaks down, what becomes of the constitutional means, the sole lever for the transference of power and the only weapon for bringing about their variety of Indian Swaraj? So the constitution must be saved at all costs. Bad as it is, it must be worked however humiliating the conditions.

Their legal pandits at Allahabad, Bombay and elsewhere are therefore at pains to prove from the provisions of the Act that the Governors could not possibly contract themselves out of the Act and the demand of the leaders of the Congress Party was not constitutional. One of them has gone so far as to opine that the Governors are entitled by the Act to appoint minority ministries. Our friends once again, as is usual with them, are anxious to justify the ways of Government to the dull heads of Congressmen, who they think have neither understood the constitution nor its legal implications.

But is it really so? Congressmen understand the constitution and its legal implications as well as any of the legal luminaries, in other parties. The fact is there is a fundamental difference between the outlook of the Congress and these constitutionalists and this the latter lose sight of amidst the legal and constitutional cobwebs of their own creation. While they are thinking in terms of law and constitution, Congressmen are thinking in extra-legal and extra-constitutional concepts, in terms of politics, democracy and the will of the people as expressed by their vote. A Congress lawyer may join issue with a lawyer of any other party about the legal and constitutional position, but he is not worried by that. He believes that the Governor can give the undertaking asked for, even within the terms of the constitution, if not mechanically and formally interpreted. He, however, knows that it may be argued otherwise. If the Governor cannot, he must refer the matter to his principals, to those who have power over him and who in their interpretation are not handicapped by legal forms but are guided by political considerations.

As a matter of fact it is an open secret that this liberal and legal interpretation under which the Governors have taken cover, is only an eye-wash. They have their orders from their masters in Whitehall. The masters wanted the Governors to take refuge under legal forms provided by the constitution, sympathy [*sic.*] because they were not at this stage prepared to hand over the least little bit of their power to the popular representatives. Whitehall therefore directed the Governors to insist upon their pound of flesh to which they were entitled, in terms of

the new constitution. The Mahatma had put the condition deliberately to test the intentions of those in power. The possible legal difficulties must have been in the legal region on his mind [*sic.*]. Even if they were not, these must have been brought to his notice by the Pandits of law of whom there is dearth [*sic.*] in the councils of the Congress. He must have satisfied his companions by taking them beyond these legal difficulties and put before them the pure political question. The political issue is whether the cabinet is willing to hand over even partial power to popularly elected ministers. The reply is an emphatic no. This clear issue is sought to be clouded in legal subtleties which may deceive moderate minds but do not deceive the Congressmen.

But, say these politicians, the Congress should have seized the opportunity and not allowed it to slip. As if by seizing apparent opportunities the Congress gain any position of real power! It might have been in office for a few days or a few months. But that would have been so much time wasted postponing the ultimate struggle. It would not have been time saved by time lost.

Our friends still argue that the Congress even in that little while would have done something to mitigate the lot of the peasants. The Congress however is quite confident that the little they could have done will be done even by Chhataris, Raos and Reddys. Here is the programme of the European group in Bombay. It calls itself the Progressive party and stands for 'progress as against Congress'. The main policy of the party will be to raise the standard of living of all classes, rural and urban, and to that end they will try to develop the resources of the presidency. They say, there is demand for reduction of land revenue which is a justifiable demand. Part of the policy of the party will be to undertake the early revision of settlement so as equitably to adjust the incident of land revenue, etc. Not to talk of minority parties, even if the Governors took up the reins of provincial Governments, without this camouflage of minority ministries, they will have to introduce all these mild and moderate reforms which the Congress party would have undertaken by which they may not have been able to carry through because of the special reserve and discretionary powers of the Governors. Therefore ministry or no ministry the little good to the masses is guaranteed to them by the fact that they have returned the Congress party in a majority to the legislatures.

Even then it is held that the Congress has made a tactical blunder. That time alone can prove. Congress however does not believe in mere

tactical advantages. It knows that the British imperialism that crushes life out of the Indian people cannot be dislodged by mere tactical and temporary advantages. Tactics must therefore ever hold a subordinate place in its programme.

Apart from this if constitutionalism were the only sheet anchor of the Congress as it is of some others, it would not allow such little tactical advantages to slip by. The Councils are but a part and a minor part of the Congress programme. The best from it that could be got, namely, the reaching to the masses and rousing them was done at the time of the election. The little more that remains will be done by their opponents with the sword of the majorities ever hanging over them. The Congress could have gone beyond, only if the Governors had been allowed by Whitehall to give the undertaking asked for. As this has not been forthcoming the Congress naturally remains unperturbed. Acceptance of ministries was not an end in itself for Congressmen.

The Congress still has the temerity to believe that real power can flow to the people only as the result of a grim struggle where power is pitched against power, unless of course Imperialism wishes it otherwise. The test that it wishes otherwise was provided for the proviso attached to the A. I. C. C. resolution. They have rejected it and thereby rejected the constitutional game of rule by majorities. The only thing left for them is as Gandhiji says, the rule of the sword.

32

THE MARQUESS OF SALISBURY ON SAFEGUARDS AND CONGRESS OFFICE ACCEPTANCE: HOUSE OF LORDS: 6 MAY 1937

My Lords, I confess it was not without some apprehension that I noticed that the noble Lord the Leader of the Opposition had put down this Question to the Government today. For my part, I think for the wisest course for your Lordships to pursue is to try not to interfere with the administration of this Act in India. It was passed by very large majorities, and of course, though I do not pretend that I assented to it, I recognize it is necessary that it should be put into force and that we ought to hope it will have every success. In so far as the noble Lord has spoken of peace and conciliation and tolerance, I agree with him. Let both sides in India be as conciliatory as possible. When he says he hopes the Governors' powers will not be unnecessarily used, of course we think they ought not to be unnecessarily used. The very adverb he employs implies that if they are unnecessary they ought not to be used. I should, of course, take exactly the same view as he does. But it would be a great pity if we thought that the Governors' powers are insignificant or unimportant.

We spent a great deal of time, when the Bill was going through, in carefully drawing what those powers ought to be. With great industry, if I may say so, your Lordships paid attention to the exact limits which ought to be assigned to the Governors' powers, which of course are not insignificant; they are of great importance. I agree with the noble Lord in hoping that they will be very sparingly used. If his aspiration is realized that at the end of his term of office a Governor may be able to

Source: *Parliamentary Debates*, House of Lords, 5th Series, Vol. 105, 6 May 1937, cols. 184-186.

say that he has never used these powers, that would be a very fortunate occurrence. I agree with him on that point; but do not let us give the impression, either here or in India, that we intend these powers to be a dead letter. I do not know whether the noble Lord has refreshed his memory by reading again the Act of Parliament which he took so much part in framing. He will find that the Governors' powers—the things he has to decide in his own discretion—are very important powers; powers having to do with the rights of minorities and their interests; with law and order and the maintenance of law and order; powers, very specific powers, to refuse assent to Bills if a Governor considers it absolutely right and proper that he should refuse his assent, or to reserve such Bills for the Governor-General's assent or to reserve them for His Majesty's assent.

All these things are carefully laid down. They were put in, not out of any disrespect to the Indian nation or any desire to treat them with any thing except profound regard, but because Parliament thought it right not to make what was described by noble Lords opposite, and by noble Lords on this side, as a revolution, without careful precautions. Do not let us try and rub down the precautions as if they did not exist. I believe the greatest danger that at the present moment is to be found in the administration of the British Government both here and elsewhere is the conviction which is growing that if you press hard enough the Government are sure to give way. There has been a good deal of that in the recent history of this country. I am not speaking of His Majesty's present advisers only; I mean one British Government after another. A good deal of the experience has been that if sufficient pressure is put upon them they are sure to give way. It would be most unfortunate if that view prevailed either here or in India. We took a very grave step when we passed the Government of India Act. Let it work. Let us do our best to work it. Let us work it in the most conciliatory spirit we possibly can, but do not let us give any sort of impression that the precautions which were inserted in it were only matters of form to be tossed aside the moment there is any pressure.

I venture to say this because I consider it would be unlucky if the Government were placed in the position of having only suggestions made to them that the least possible should be made of these precautions. I hope your Lordships will believe that, since the passage of the Bill, I have not, myself, done anything to interfere, as far as my limited powers go, with the proper working of this Act. I am all for making every effort

to work it properly, but, on the other hand, may I say very respectfully to the noble Lord the Leader of the Opposition that I do not think he and his friends ought to put pressure on the Government to carry out what they themselves wanted when the Bill was passing, but which they did not succeed in achieving, any more than that we on our part should try to achieve what at that time we failed to persuade them to accept. I hope your Lordships will forgive me for making these observations. I would like to end on the same note as the noble Lord did. We ought to be as conciliatory as possible in the administration of this Act.

33

LORD LLOYD ON SAFEGUARDS AND CONGRESS OFFICE ACCEPTANCE: HOUSE OF LORDS: 6 MAY 1937

My Lords, I find myself so much in accord with what the noble Marquess [of Salisbury] who spoke in this debate said, that I would not have intervened even for a moment were it not for a few words that fell from the noble Lord who raised this question at the outset of his speech. He seemed to think that the difficulties which have unfortunately emerged are due mainly to some clash of temperaments—I think the word he used was "emotionalism"—rather than to any deep-seated differences between the Congress and the Act. I think he must have forgotten—so remote is that, as I think it, from the real fact of the case, that I ought to remind him if I may—what is the basic assumption which preceded this Act and on which the Government acted. In a White Paper, of which I have not the date at the moment, that opened the whole of these discussions and gave a presentation of the case for the Act, the Government used these words:

> "The present proposals in general necessarily precede on the basic assumption that every endeavour will be made by those responsible for working the Constitution to approach the administrative problems which will present themselves in the spirit of partners in a common enterprise."

When [the] Congress had seen this Act come into force they gave a clear and definite and, as I think, unmistakable reply to that basic assumption, and I think noble Lords on the Labour Benches, and some others, if I may venture to say so, sometimes do not pay enough atten-

Source: *Parliamentary Debates*, House of Lords, 5th Series, Vol. 105, 6 May 1937, cols. 188-190

tion to the repeated declarations of [the] Congress as to what the real attitude is. [The] Congress have never disguised their attitude. They have been perfectly clear and, I think perfectly honest in what their attitude is to the Act, at any rate that is so in the case of the present leaders. What did they say? They said at their annual meeting in December:

> "The Congress reiterates its entire rejection of the Government of India Act, 1935, and the Constitution that has been imposed on India against the declared will of the people and the country."

They said a great deal more, and made very definite declarations of resolute hostility to the whole spirit and conception of the Act.

I think that must not be forgotten when we are considering whether there can be any useful approach to a resolution of the difficulties that now confront us by the method suggested by the noble Lord who initiated this debate. I think that the Government will not be tempted by what I am certain are the very well-intentioned arguments of the noble Lord in that direction. After all, we have had experience. I do not want to say anything derogatory of Mr. Gandhi, whom I know personally very well, and with whom I have had many dealings, but we have had experience of Viceregal interviews in the past with Mr. Gandhi, and they have not been conducive to good relations or good results. When the noble Lord referred to the safeguards which the Governors have to employ in case of need in terms which he interpreted as "thwarting" or "harassing", I would prefer to use words like "protecting the feeble against the strong" and "defending minorities", because it is only in very grave circumstances of emergency, when interests such as those are threatened, that any one of us conceives it as possible that the Governors would be likely to use their powers.

I think the course proposed would be a particularly doubtful one even if a Governor were wise to intervene at all. I think there is quite [a] hope that there may be some very able leaders in [the] Congress who, if [the] Government did not interfere, may yet split from the extremists in [the] Congress, and that there may be an easier resolution of the difficulty than some people suppose. It is generally understood that Mr. Gandhi's activities at the present time are trying to prevent any split in [the] Congress. If the extremist section of [the] Congress adheres to the views which it expressed in the annual meeting of [the] Congress, and there is found, by method of a split, some more moderate and not less intelligent men—and I could mention the names of one or

two of them who might be quite willing in certain circumstances to operate the reforms—I cannot think that a discussion initiated by the Viceroy with Mr. Gandhi would do anything but grave harm at the present time. I would prefer to base myself on the declaration made by the Secretary of State, when I believe he said—I myself was away abroad at the time—that nobody would think it improbable, if Mr. Gandhi sought an interview with the Viceroy for specific reasons, that that might occur. But that is not the situation at all. As I understand, the noble Lord wishes the Governor to take some initiative in that matter. I only hope that the Government will pursue the course which they are pursuing now, which I am sure is likely to lead to a good understanding and a better working of the reforms than any intervention now.

34

BROADCAST BY THE VICEROY (LORD LINLITHGOW) ON SAFEGUARDS AND OFFICE ACCEPTANCE: NEW DELHI : 22 JUNE 1937

The executive authority of a Province runs in the name of the Governor: but in the ministerial field the Governor, subject to the qualifications already mentioned, is bound to exercise that executive authority on the advice of his Ministers. There are certain strictly limited and clearly defined areas in which, while here as elsewhere primarily responsibility rests with Ministers, the Governor remains ultimately responsible to Parliament. Over the whole of the remainder of the field Ministers are solely responsible, and they are answerable only to the Provincial Legislature. In the discharge of the Governor's Special Responsibilities it is open to the Governor, and it is indeed incumbent upon him, to act otherwise than on the advice of his Ministers if he considers that the action they propose will prejudice Minorities or areas or other interests affected. The decision in such cases will rest with the Governor; and he will be responsible to Parliament for taking it. But the scope of such potential interference is strictly defined—and there is no foundation for any suggestion that a Governor is free, or is entitled, or would have the power, to interfere with the day-to-day administration of a Province outside the limited range of the responsibilities specially confined to him. Before taking a decision against the advice of his Ministers even within the limited range a Governor will spare no pains to make clear to his Ministers the reasons which have weighed with him in thinking both that the decision is one which it is incumbent on him to take, and that it is the right one. He will put them in possession of his mind.

Source : *Speeches and Statements of the Marquess of Linlithgow, Viceroy and Governor-General of India, 1936-1943,* Government of India, New Delhi, 1945, pp. 80-81.

He will listen to the arguments they address to him. He will reach his decision with full understanding of those arguments and with a mind open to conviction. In such circumstances, given the goodwill which we can I trust postulate on both sides, and for which I can on behalf of His Majesty's Government answer so far as Governors are concerned, conflicts need not in a normal situation be anticipated. On the matter of degree a convention which would require the automatic dismissal or resignation of a Ministry whenever there is any difference of opinion, however unimportant, would show a lack of proportion, and I need not now emphasize the objections to any such convention. For it goes without saying that cases of quite minor importance may arise within the area under discussion; and it goes without saying equally that Government, and the position of Ministers, would be impossible if on each such occasion a Governor were required by a binding convention to dismiss his Ministers, or the Ministers felt it incumbent on them to resign. The interruption to administration and the loss of credit to Ministers would be intolerable. All the more so since Ministers would feel compelled to resign on account of a decision for which they were not in any way responsible and on which they would be at liberty, to indicate publicly that they differed from the Governor who had, in the discharge of his own responsibilities, chosen to take a particular course. It is not by rigid conventions of this nature, but by give and take, by the elasticity which is the governing factor of any successfully democratic constitution, that constitutional advance is shown by the experience of history to proceed.

Where on the other hand a really major issue is involved and Ministers, even though they are not responsible for the final decision taken by a Governor, and can without any constitutional impropriety make that clear, feel that such action has raised issues of such a character, and affected their position as a parliamentary party, in such a way that they can no longer, without misunderstanding in the country, associate themselves with the Governor in the work of administration, then it is open to Ministers to resign. Or, if they do not resign and the Governor feels that his partnership with them cannot with profit to the public continue, it is open to a Governor, and indeed incumbent on him, to dismiss them. But the object of Governor, and, I feel confident, the object of the Ministers, will at all times be to avoid such a state of things arising. The mere fact that the Government of India Act covers contingencies such as the dismissal of Ministers, the breakdown of the Constitution, or the like, is not for one moment to be taken as involving an assumption that

the framers of the Act, those concerned with its administration, or anyone, indeed, who is concerned for the constitutional progress and development of this great country, wishes to see those contingencies turned into realities. The design of Parliament, and the object of those of us who are the servants of the Crown in India and to whom it falls to work the provisions of the Act, must be and is to ensure the utmost degree practicable of harmonious co-operation with the elected representatives of the people for the betterment and improvement of each individual Province, and of India as a whole; and to avoid, in every way consistent with the special responsibilities for Minorities and the like which the Act imposes, any such clash of opinion as would be calculated unnecessarily to break down the machine of government, or to result in a severance of that fruitful partnership between the Governor and his Ministers which is the basis of the Act, and the ideal, the achievement of which the Secretary of State, the Governor-General, and the Provincial Governors are all equally concerned to secure.

35

INDIAN NATIONAL CONGRESS WORKING COMMITTEE RESOLUTION ON SAFEGUARDS AND OFFICE ACCEPTANCE: 5-8 JULY 1937

The All-India Congress Committee, at its meeting held in Delhi on March 18, 1937, passed a resolution affirming the basic Congress policy in regard to the new Constitution and laying down the programme to be followed inside and outside the Legislatures by Congress members of such Legislatures. It further directed that in pursuance of that policy, permission should be given for Congressmen to accept office in Provinces where the Congress commanded a majority in the Legislature, and the leader of the Congress Party was satisfied and could state publicly that the Governor would not use his special powers of interference, or set aside the advice of Ministers in regard to their constitutional activities. In accordance with these directions, the leaders of Congress Parties, who were invited by Governors to form Ministries, asked for the necessary assurances. These not having been given, the leaders expressed their inability to undertake the formation of Ministries. But since the meeting of the Working Committee on 28 April last, Lord Zetland, Lord Stanley and the Viceroy have made declarations of this issue on behalf of the British Government. The Working Committee has carefully considered these declarations and is of opinion that though they exhibit a desire to make an approach to the Congress demand they fall short of the assurances demanded in terms of the All-India Congress Committee resolution as interpreted by the Working Committee resolution of 28 April. Again the Working Committee is unable to subscribe to the doctrine of partnership propounded in some of the aforesaid declara-

Source: *Resolutions of the Indian National Congress, 1936-37,* All India Congress Committee, Allahabad, n.d., pp. 59-61.

tions. The proper description of the existing relationship between the British Government and the people of India is that of the exploiter and the exploited, and hence they have a different outlook upon almost everything of vital importance. The Committee feels, however, that the situation created as the result of the circumstances and events that have since occurred, warrants the belief that it will not be easy for the Governors to use their special powers. The Committee has, moreover, considered the views of Congress members of the Legislatures and of Congressmen generally.

The Committee has therefore come to the conclusion and resolves that Congressmen be permitted to accept office where they may be invited thereto. But it desires to make it clear that office is to be accepted and utilized for the purpose of working in accordance with the lines laid down in the Congress manifesto and to further in every possible way the Congress policy of combating the new Act on the one hand and of prosecuting the constructive programme on the other.

PART V

The Congress Rules

36

EXTRACTS FROM JAWAHARLAL NEHRU'S ALL INDIA NATIONAL CONVENTION PRESIDENTIAL ADDRESS: DELHI: 19 MARCH 1937

The electorate was confined to a bare ten per cent of our people, but everybody knows that the lower down the scale we go, the greater is the Congress strength. The remaining ninety per cent are even more solidly for the Congress than the ten per cent who have supported us. Though our success has been overwhelming and has confounded our opponents, and swept away the representatives of the big vested interests who opposed us, it should be remembered that the whole machinery of election was so designed as to weaken us. The pressure of an autocratic and entrenched Government was exercised against us, and behind it were ranged all the reactionaries and obscurantists who always flourish under the shadow of imperialism. Yet we won in a resounding manner.

Only in regard to the Muslim seats did we lack success. But our very failure on this occasion has demonstrated that success is easily in our grasp and the Muslim masses are increasingly turning to the Congress. We failed because we had long neglected working among the Muslim masses and we could not reach them in time. But where we reached, especially in the rural areas, we found almost the same response, the same anti-imperialist spirit, as in others. The communal problem, of which we hear so much, seemed to be utterly non-existent, when we talked to the peasant, whether Hindu, Muslim or Sikh. We failed also among the Muslims because of their much smaller electorate which could be easily manipulated and coerced by authority and vested interests. But I am convinced that, ven so, we would have had a much larger measure of

Source: *The Indian Annual Register 1937*, Calcutta, 1937, Vol. I, pp. 207-209.

success if we had paid more attention to the Muslim masses. They have been too long neglected and misled and they deserved special consideration. I have no manner of doubt that they are turning to the Congress to seek relief from their innumerable burdens and their future co-operation is assured, provided we approach them rightly and on the basis of economic questions.

We have too long thought in terms of pacts and compromises between communal leaders and neglected the people behind them. That is a discredited policy and I trust that we shall not revert to it. And yet some people still talk of the Muslims as a group, dealing with the Hindus or others as a group, a mediaeval conception which has no place in the Modern World. We deal with economic groups today and the problems of poverty and unemployment and national freedom are common for the Hindu, the Muslim, the Sikh and the Christian. As soon as we leave the top fringe, which is continually talking of percentages of seats in the legislatures and State jobs, and reach the masses, we come up against these problems. This way lies the ending of what has long been known as the communal problem.

One of the most remarkable signs of the times is the ferment amongst the Muslims in India, both the intelligentsia and the masses. Without any effective leadership they have drifted aimlessly, and they resent this helpless position and feel that the communal leadership they have had has weakened them politically, in spite of the trivial and superficial gains which they are supposed to have got from an imperialism which seeks to wean them away from the national movement. Muslim young men and old, and the Muslim press, are full of this self-analysis, and the desire to get out of the communal rut and line up with the forces of freedom and progress is strong within them. They see how the Congress has swept away Hindu communal organisation [*sic.*], how it has captured the imaginations [*sic.*] of the masses, and they feel a little desolate and left out. They want to share in the triumphs of to-day and to-morrow, and are prepared to take their share of the burdens also. And so this election and our campaign, though they resulted in the loss of Muslim seats as a rule, have been a triumph for us even in regard to the Muslims. They have gone some way to lay the ghost [*of*] communalism. It is for us now to go ahead and welcome the Muslim masses and intelligentsia in our great organisation and rid this country of communalism in every shape and form.

Having disposed of these failures let me refer to the success that has

come to us, for it is this tremendous success, not surprising for us who know our people, but astounding and upsetting to others, that is the outstanding feature of these elections. How carefully and lovingly the Government had nursed the great vested interests of India, encouraged the big landlords and communalists, helped them to organise themselves to oppose us, and looked confidently for success in its evil venture! Where are they now, these pillars of imperialism in India and exploiters of the Indian people? Sunk almost without trace, overwhelmed by the sea of Indian humanity, swept away by the big broom of the masses from the political scene. Like a house of cards, they have fallen at the touch of reality; even so will others go who oppose India's freedom, and a day will come when British Imperialism throttles and crushes our people no more and is a dream of the past for us.

37

JAWAHARLAL NEHRU'S STATEMENT ON MUSLIM MASS CONTACT CAMPAIGN: ALLAHABAD: 27 APRIL 1937

For various reasons the problem of increasing the Muslim element in the Congress has recently received considerable attention. This has been so, both on the side of prominent Congressmen, Hindu and Muslim alike, and on the part of others who, though sympathetic, have hesitated to join the Congress.

There is no doubt about it that Muslim India is in a state of ferment today. The Muslims masses inevitably think more and more in terms of common economic problems and common burdens together with others.

In a reaction to these new currents certain prominent Muslims, connected with communal organisations, have tried to dissuade Muslims from joining the Congress and have even hinted at dire consequences and catastrophes if this should happen.

I have no desire to enter into those controversies, which tend to become personal and in which irrelevant issues are often raised. It is not, therefore, with a view to controversy that I issue that [*sic.*] statement, but I do feel that clarity of ideas is desirable and the Congress position should be clearly understood. I find that even Congressmen sometimes fail to appreciate this and talk in terms of pacts and compromises with Muslims or other religious groups.

The Congress is a political organisation dealing also invariably with economic problems, for these problems affect the masses of India more than anything else. The objective of the Congress is political independence, that is, the capture of power by the people of India, irrespective

Source : *The Civil and Military Gazette*, Lahore, 28 April, 1937.

of their religion.

Every Indian of the hundreds of millions who inhabit this country must be sharer in this power and must benefit by the new order that we strive for. For ultimately it is this order, which removes our crushing poverty and unemployment, which we work for.

Subjection and poverty are the common lot of the Indians whatever their religion might be; freedom and economic and cultural betterment must also be the common lot of all of us. In the struggle to obtain this the Congress offers a common platform to all and because it thinks in terms of the masses and their betterment, it goes to them, organises them, advises them, seeks strength and guidance from them.

The Congress, being a political organisation, does not concern itself with religion or connected matters. But religion and culture being important matters in the life of many individuals, it is right that they should want to know how these are viewed by the Congress.

Therefore, the Congress declared at Karachi and subsequently in the clearest language that the fundamental and basic rights of all Indians must contain provisions for the free exercise of religion, for freedom of conscience, for the protection of the culture, language and script of the minorities and further that all citizens, whatever their religion or caste or sex, were equal before the law and in regard to public employment, office, trade or calling. The franchise must be on the basis of universal adult suffrage.

This assurance has been repeated in the Congress election manifesto and is the basis of all Congress policy. It applies to all majorities and minorities alike and it is unthinkable that the Congress will ever vary it.

Having given this solemn assurance, the Congress has nothing further to do with religious and cultural matters and it pursues its political struggle. In this political struggle it has gained great power because millions of people have sided with it, approved of its programme and looked to it for deliverance from their thraldom and misery.

That programme was a common programme for all Indians whatever their religious persuasions may be. The development of the nationalist movement has crystallised power in two opposing ranks and we have in India today two dominating forces—Congress India representing Indian nationalism, and British Imperialism.

I have often been made to say in the public press owing to a mistranslation that there were only two parties in India. This is manifestly wrong for there may be, and are, any number of parties, big or small,

important or confined to a handful. But what I have said, and what I think is true, is that there are two principal forces in India today, that of the Congress and that of Imperialism. Others incline during a crisis towards the one or the other, or are more lookers-on and do not count.

We have had big crises and conflicts in the past and, as is the way with nations and communities, we have gained strength and self-reliance thereby. Out of the fiery furnace of a nation's suffering and conflict the Congress has steeled itself and risen higher and higher, strong in the love and strength of our millions. Those who kept out of it and relied on the feeble prop of an alien and vanishing Government, remain themselves feeble, without self-reliance or strength, unable to charge themselves with the energy of a nation on the move.

Strength does not come to a nation or a community from mere numbers, or special seats in the Legislatures, or protection given by outsiders. It comes from within and from the co-operation and goodwill of comrades in a common cause.

The minorities in India will not flourish by being spoon-fed from above, but by their own merits and strength. Can anyone imagine that any majority in India can crush the brave Sikhs, small as they are in numbers? Only a lunatic can think that the Muslims can be dominated and coerced by any religious minority in India.

The time has gone by when religious groups, as such, can take part in political or economic struggles. That may have been the case in medieval times. It is inconceivable today; the lines of cleavage are different, they are economic. Therefore, to think in terms of communal groups functioning politically is to think in terms of medievalism.

And that is the reason why communal groups in India fail so dismally in the political field; they have not and can have no common political or economic policy; they split up and are usually dominated by reactionaries. Having no inner strength they look inevitably to favours from the imperialist masters. And what are these favours? A few State jobs, a few seats in the Legislatures. How does this affect the hunger of the millions or the unemployment of vast numbers?

Realisation of this is coming slowly to these [*sic.*] who hoped for relief from their communal leaders and so they are turning more and more to the Congress and thinking in terms of political and economic power.

We talk of approaching the Muslim masses. That is no new pro-

gramme for us although the stress may be new. That is part of our principal programme of developing increasing contacts with the masses, whether they are Hindu or Muslim or Sikh or Christian or any others. The religion of all these is their personal matter, which the Congress guarantees. But we think of them not as religious units, but as suffering units of the hungry Indian masses, who cry loudly for succour.

It must be remembered that the Congress has always had large numbers of Muslims in its fold and larger numbers have sympathised with its activities. Some of the most eminent of our national leaders have been and are Muslims.

But it is true that the Muslim masses have been largely neglected by us in recent years. We want to repair that omission and carry the message of the Congress to them. Why do others object to this? If they disagree with the political or economic policy of the Congress, they are at perfect liberty to place their policy before the masses. But it is to the masses that the appeal must be made.

This is important—the appeal to the masses. Our problems cannot be solved, we hold, by a few people at the top. And that is why we have lost faith in the old style all-parties conference, in a few persons representing communal organisations with no common political background, meeting together and discussing and quarrelling. We have had enough experience of these in the past and that experience does not call for repetition. We are, of course, always willing to discuss our problems with all who earnestly desire their solution, whether they agree with us or not. But the way to a solution is not through a so-called all-parties conference.

Those who talk of the Congress entering into a pact or alliance with Muslims or others fail to understand the Congress or the new forces that are moving our people. We have already made a great pact amongst ourselves, amongst all who desire national and economic freedom to work together to this common end.

The Muslims are in this pact just as the Hindus and if they have problems *inter se*, as they must have occasionally, they will discuss them and decide them democratically within the great organisation which has come to represent to such a remarkable degree the will of the Indian people. Is it not better and more dignified to do this than to seek favours from, and take deputations to, our alien rulers who dominate over us and to seek to play off one against the other?

Some people suggest that semi-communal nationalist parties should

be formed, like a Muslim Congress party. That seems to me a wrong course and one which will encourage communalism and injure the larger cause. Our experience of the Nationalist Muslim party in the past was not a happy one. Such halfway groupings confuse the issue and the masses are perplexed.

Those who disagree with the Congress will, of course, form their groups and parties but those who agree should not stand on the door-step; they should enter the nation's chamber and full share in shaping the nation's policy. There are many today who talk vaguely of being Congressmen and of being in favour of independence, but they work through other and communal organisations and waste their strength thereby.

The crisis deepens and the people of India will soon have to make many fateful decisions. Already these petty and unreal problems, communal and the like, shade off into the background and the real issues, pregnant with destiny, overshadows [*sic.*] India and the world.

What will our answer be, whether we are Hindus or Muslims or Sikhs or Christians? Shall we stick to our little ways, lost in a wilderness of pettiness? Or, will we, united and firm of purpose, take the shaping of events in our strong hands, and make the history of our choice?

38

CONGRESS TERMS FOR A COALITION WITH THE MUSLIM LEAGUE IN THE UNITED PROVINCES: JULY 1937

The Muslim League group in the United Provinces Legislature shall cease to function as a separate group.

The existing members of the Muslim League Party in the United Provinces Assembly shall become part of the Congress Party, and will fully share with other members of the Party their privileges and obligations as members of the Congress Party. They will similarly be empowered to participate in deliberations of the Party. They will likewise be subject to the control and discipline of the Congress Party in an equal measure with other members, and the decisions of the Congress Party as regards work in the legislature and general behaviour of its members shall be binding on them. All matters shall be decided by a majority vote of the party; each individual member having one vote.

The policy laid down by the Congress Working Committee for their members in the legislatures along with the instructions issued by the competent Congress bodies pertaining to their work in such legislatures shall be faithfully carried out by all members of the Congress Party including these members.

The Muslim League Parliamentary Board in the United Provinces will be dissolved, and no candidate will thereafter be set up by the said Board at any by-election. All members of the Party shall actively support any candidate that may be nominated by the Congress to fill up a vacancy occurring hereafter.

All members of the Congress Party shall abide by the rules of the Congress Party and offer their full and genuine co-operation with a view

Source : *The Pioneer*, Allahabad, 30 July, 1937.

to promoting the interests and prestige of the Congress.

In the event of the Congress Party deciding on resignation from the Ministry or from the Legislature the members of the above-mentioned group will also be bound by that decision.

39

NOTE BY A. K. AZAD ON THE CONGRESS TERMS: JULY 1937

It was hoped that, if these terms were agreed to and the Muslim League group of members joined the Congress Party as full members, that group would cease to exist as a separate group. In the formation of the Provincial Cabinet it was considered proper that they should have representatives.

Source : *The Pioneer*, Allahabad, 30 July, 1937.

40

THE "BANDE MATARAM" SONG

1

Mother, I bow to thee!
Rich with thy hurrying streams,
Bright with thy orchard gleams,
Cool with the winds of delight,
Dark fields waving, Mother of might,
Mother free.

2

Glory of moonlight dreams,
Over thy branches and lordly streams,
Clad in thy blossoming trees,
Mother, giver of ease,
Laughing low and sweet,
Mother, I kiss thy feet,
Speaker sweet and low,
Mother, to thee I bow.

3

Who hath said thou art weak in thy lands,
When the swords flash out in seventy million hands,
And seventy million voices roar
Thy dreadful name from shore to shore?
With many strengths who art mighty and strong,
To thee I call, Mother and Lord!

Source : R. Coupland, *Indian Politics 1936-1942 : The Second Part of a Report on the Constitutional Problem in India submitted to the Warden and Fellows of Nuffield College, Oxford,* Oxford University Press, London, 1943, pp. 322-323 (Appendix II).

Thou who savest, arise and save!
To her I cry who ever her foemen drave
Back from plain and sea
And shook herself free.

4

Thou art wisdom, thou art law,
Thou art heart, our soul, our breath,
Thou the love divine, the awe
In our hearts that conquers death.
Thine the strength that nerves the arm,
Thine the beauty, thine the charm,
Every image divine,
In our temples is but thine.
Thou art Durga, Lady and Queen,
With her hands that strike and her swords of sheen.
Thou art Lakshmi lotus-throned
And the Muse, a hundred-toned.
Pure and perfect without peer
Mother, lend thine ear.

5

Rich with thy hurrying streams,
Bright with thy orchard gleams,
Dark of hue, O candid fair,
In thy soul, with jewelled hair
And thy glorious smile divine,
Loveliest of all Earthly lands,
Showering wealth from well-stored hands
Mother, Mother mine!
Mother sweet, I bow to thee
Mother great and free!

41

INDIAN NATIONAL CONGRESS WORKING COMMITTEE STATEMENT ON THE BANDE MATARAM SONG: CALCUTTA: 1 NOVEMBER 1937

A controversy having recently arisen about the Bande Mataram song, the Working Committee desire to explain the significance of this song. This song appears in Bankim Chandra Chatterji's novel "Anandamatha" but it has been pointed out in his biography, that the song was written independently of, and long before the novel, and was subsequently incorporated in it. The song should thus be considered apart from the book. It was set to music by Rabindranath Tagore in 1896. The song and the words "Bande Mataram" were considered seditious by the British Government and were sought to be suppressed by violence and intimidation. At a famous session of the Bengal Provincial Conference held in Barisal in April 1906, under the presidentship of Shri A. Rasul, a brutal lathi charge was made by the police on the delegates and volunteers and the "Bande Mataram" badges worn by them were violently torn off. Some delegates were beaten so severely as they cried "Bande Mataram" that they fell down senseless. Since then, during the past thirty years, innumerable instances of sacrifice and suffering all over the country have been associated with "Bande Mataram" and men and women have not hesitated to face death even with that cry on their lips. The song and the words thus became symbols of national resistance to British imperialism in Bengal especially, and generally in other parts of India. The words "Bande Mataram" became a slogan of power which inspired our people, and a greeting which ever remind us of our struggle for national freedom.

Gradually the use of the first two stanzas of the song spread to other

Source : *The Indian Annual Register 1937* Calcutta, 1938, Vol. II, pp. 327-328.

provinces and a certain national significance began to attach to them. The rest of the song was very seldom used and is even now known by few persons. These two stanzas described in tender language the beauty of the motherland and the abundance of her gifts. There was absolutely nothing in them to which objection could be taken from the religious or any other point of view. The song was never sung as [a] challenge to any group or community in India and was never considered as such or as offending the sentiments of any community. Indeed the reference in it to thirty crores of Indians makes it clear that it was meant to apply to all people of India. At no time, however, was this song, or any other song formally adopted by the Congress as the National Anthem of India. But popular usage gave it a special and national importance.

The Working Committee feel that past associations, with their long record of suffering for the cause, as well as popular usage, have made the first two stanzas of this song a living and inseparable part of our national movement and as such they must command our affection and respect. There is nothing in the stanzas to which any one can take exception. The other stanzas of the song are little known and hardly ever sung. They contain certain allusions and a religious ideology which may not be in keeping with the ideology of other religious groups in India.

The Committee recognise the validity of the objection raised by Muslim friends to certain parts of the song. While the Committee have taken note of such objection in so far as it has intrinsic value the Committee wish to point out that the modern evolution of the use of the song as part of National life is of infinitely greater importance than its setting in a historical novel before the national movement had taken shape. Taking all things into consideration therefore the Committee recommend that wherever the Bande Mataram is sung at national gatherings only the first two stanzas should be sung, with perfect freedom to the organisers to sing any other song of an unobjectionable character, in addition to, or in the place of, the Bande Mataram song.

But while there can be no question about the place that Bande Mataram has come to occupy in the national life, the same cannot be said as to the other songs. People have adopted songs of their choice, irrespective of merit. An authentic collection has long been felt as a desideratum. The Committee therefore appoint a sub-committee consisting of Maulana Abul Kalam Azad, Shri Jawaharlal Nehru, Shri Subhas Chandra Bose and Shri Narendra Dev, to examine all the current national songs that

may be sent to it and those who are so inclined are invited to send their compositions to this sub-committee. The committee will, out of the songs so received, submit to the Working Committee the collection that it may choose to recognise as being worthy of finding a place in a collection of national songs. Only such songs as are composed in simple Hindustani or can be adapted to it, and have a rousing and inspiring tune will be accepted by the sub-committee for examination. The sub-committee shall consult and take the advice of Poet Rabindra Nath Tagore.

The Working Committee recommends to P. C. Cs. [Provincial Congress Committees] to take similar steps in regard to songs in the provincial languages.

Note—In the above statement attention is drawn to the reference in the Bande Mataram song to thirty crores of Indians. It should be remembered that this figure crept in at a later stage when the song came to have a national significance. As Bankim Chandra Chatterji wrote it, the figure was seven crores. This applied to the then province of Bengal which included Behar. Even then it referred to the entire population of the province without any religious distinction.

42

U. P. CONGRESS GOVERNMENT'S ORDER TO DISTRICT MAGISTRATES TO CO-OPERATE WITH CONGRESS ORGANISATIONS: LUCKNOW: 29 NOVEMBER 1937

In the course of the last three months, since the present Government assumed office, frequent reports have been received from Government servants in which Congress supporters are stated to have adopted an embarrassing attitude towards the district authorities, and a very large number of complaints have similarly reached the Government from Congress workers against the behaviour of Government officials, especially of the lower grades.

The Government are of the opinion that such complaints and counter-complaints only tend to engender and crystallise an attitude of mutual suspicion, which is, in every way, opposed to the public interest. They feel, therefore, that the time has come when determined efforts should be made by the officers of the Government to establish relations of mutual confidence with the district leaders of the Congress organisation.

A letter will be addressed to you shortly on the position of Government servants *vis à vis* the general public, and a second letter on the measures contemplated by the Government to check corruption in the public services. All these letters, read together, will give a synoptic view of the Government policy in regard to the position of the services generally. In this letter, I am to emphasize the importance of the establishment of relations of mutual confidence between the district authorities and the leaders of the Congress organisation.

Government officials, whether revenue or police, are the executive of the Government. They have certain statutory powers and responsi-

Source: *Civil and Military Gazette*, Lahore, 30 November, 1937.

bilities and various other functions to perform. They are the agents through whom the orders of the policy of the Government are given a concrete shape and there is no question of substituting any other agency for this purpose.

The Congress, on the other hand, represents a large body of public opinion and is the party on the support of which the present Government rests. The Congress is naturally anxious to secure the maximum benefit for members of the public out of public institutions and functionaries. It is also interested in seeking all relevant information and bringing to the notice of the authorities appropriate cases and acts for redress and relief and in seeing that malpractices and neglect of duty on the part of public servants should be inquired into and corrected.

It is the duty of the Government servants concerned to deal with complaints of this nature which are brought to their notice, and to make it clear that they are giving due attention to them. The object of the Government and of the Congress alike must be that the official agency functions with the maximum of efficiency and with the full confidence of the public, and this result will be facilitated if relations of mutual confidence and harmony are established between the district authorities and the leaders of the Congress organisations in the district.

How best to set about establishing more friendly and co-operative relations in each district is a matter privately for the district officers themselves to consider, but I am to point out that any successful method in this direction pre-supposes tact, sympathy, accessability and impartiality, and that it is important that the district authorities should be in touch with the representatives of the Congress organisation in their respective areas. The Congress Committees are being addressed in a similar sense by the United Provinces Congress Committee.

43

INDIAN NATIONAL CONGRESS RESOLUTION ON NATIONAL EDUCATION: HARIPURA: 19-21 FEBRUARY 1938

The Congress has emphasized the importance of national education ever since 1906, and during the non-cooperation period many national educational institutions were started under its auspices. The Congress attaches the utmost importance to a proper organisation of mass education and holds that all national progress ultimately depends on the method and content and objective of the education that is provided for the people. The existing system of education in India is admitted to have failed. Its objectives have been anti-national and anti-social, its methods have been antiquated, and it has been confined to a small number of people and has left the vast majority of our people illiterate. It is essential therefore to build up national education on a new foundation and on a nation-wide scale. As the Congress is having new opportunities of service and of influencing and controlling state education, it is necessary to lay down the basic principles which should guide such education and to take other necessary steps to give effect to them. The Congress is of opinion that for the primary and secondary stages a basic education should be imparted in accordance with the following principles:

1. Free and compulsory education should be provided for seven years on a nation-wide scale.
2. The medium of instruction must be the mother tongue.
3. Throughout this period education should centre round some form of manual and productive work, and all other activities to be developed or training to be given should, as far as possible, be integrally related to

Source : *The Indian Annual Register* 1938, Calcutta, 1938, Vol. I, pp. 298-299.

the central handicraft chosen with due regard to the environment of the child.

Accordingly the Congress is of opinion that an All India Education Board to deal with this basic part of education be established and for this purpose requests and authorises Dr. Zakir Hussain and Shri E. Aryanayakam to take immediate steps, under the advice and guidance of Gandhiji, to bring such a Board into existence, in order to work out in a consolidated manner a programme of basic national education and to recommend it for acceptance to those who are in control of state or private education.

The said Board shall have power to frame its own Constitution, to raise funds and perform all such acts as may be necessary for the fulfilment of its objects.

44

INDIAN NATIONAL CONGRESS RESOLUTION ON MINORITY RIGHTS: HARIPURA: 19-21 FEBRUARY 1938

The Congress welcomes the growth of anti-imperialist feeling among the Muslims and other minorities in India and the growing unity of all classes and communities in India in the struggle for India's independence which is essentially one and indivisible and can only be carried on effectively on a united national basis. In particular, the Congress welcomes the large numbers of the minority communities who have joined the Congress during the past year and given their mass support to the struggle for freedom and the ending of the exploitation of India's masses.

The Congress approves of and confirms the resolution of the Working Committee on Minority Rights passed in Calcutta in October 1937, and declares afresh that it regards it as its primary duty and fundamental policy to protect the religious, linguistic, cultural and other rights of the minorities in India so as to ensure for them in any scheme of government to which the Congress is a party, the widest scope for their development and their participation in the fullest measure in the political, economic and cultural life of the nation.

Source : *The Indian Annual Register 1938*, Calcutta, 1938, Vol. I, p. 299.

45

M. K. GANDHI'S STATEMENT ON CONGRESS BEING THE ONLY PARTY IN INDIA: BOMBAY: 31 DECEMBER 1938

Mr. Hodson expressed the opinion that the solution of the Hindu-Muslim question was made difficult by the fact that, owing to its very nature, the Congress tended to take on the nature of a Totalitarian Party and acted as if it were the one and the only party in the country that mattered, instead of regarding itself simply as one of the principal parties, to which Mr. Gandhi replied: "It is a very wrong view to take of the Congress. The Congress does claim to be the one and the only party that can deliver the goods. It is a perfectly valid claim to make. One day or the other some party has to assert itself to that ex'ent. That does not make it a Totalitarian Party. It is the ambition of the Congress to become all-representative of the entire nation, not merely of any particular section, and it is a worthy ambition, in keeping with its best tradition.

"If you have studied Congress history, you will find that since its very inception the Congress has sought to serve and represent all sections in the country equally without any distinction or discrimination. Thus it used to have Rajas and Maharajas on the Reception Committee, and has defended the cause of the States against the Paramount Power, as in case of Kashmir and Mysore.

"It would love to be absorbed in or to absorb the Muslim League so far as the political programme is concerned. For religious and social activity, of course, every community can have its separate organisation."

Asked whether the ambition of the Congress of absorbing other political organisations tended to make it a Totalitarian Party, Mr. Gandhi

Source : *The Civil and Military Gazette*, Lahore, 2 January, 1939.

replied: "You may try to damn it by calling it Totalitarian. Absorption is inevitable when a country is engaged in a struggle to wrest powers from foreign hands; it cannot afford to have a separate rival political organisation. The entire strength of the country must be used for ousting the third and usurping party. That is what is happening in India today. Where there is no common danger to oppose them, there must be separate parties representing different schools of thought. You should bear in mind that the Congress does not impose its will on others. Its sanctions are non-violent."

Mr. Gandhi's interviewer persisted: "Would not the march to full responsible government be more rapid if the Muslims were taken along?" "Of course it would be", replied Mr. Gandhi.

"Personally I do not want anything which the Muslims oppose. But I have faith that the solution of the Hindu-Muslim tangle will come much sooner than most people expect. I claim to be able to look at the whole position with a detached mind. There is no substance in our quarrels. The points of difference are superficial: those of contact are deep and permanent. Political and economic subjection is common to us. The same climate, the same rivers, the same fields supply both with air, food and water. Whatever, therefore, leaders, Mahatmas and Maulanas may say or do, the masses, when they are fully awakened, will assert themselves and combine for the sake of combating common evils.

"The effect of the Socialist and Communist propaganda, too, to bring the masses of both communities together by emphasizing the identity of interests. I have my differences with them, but I cannot withhold my admiration from their endeavour to demolish the superstition that keeps the different communities apart."

46

INDIAN NATIONAL CONGRESS WORKING COMMITTEE STATEMENT ON THE HINDU-MUSLIM QUESTION: BARDOLOI: 11-14 JANUARY 1939

The Working Committee have always been anxious to arrive at a satisfactory settlement of the communal question in consultation with and with the co-operation of all the parties concerned. It was with this object in view that the Congress President conferred with the President of the Muslim League, but the last communication received from the Muslim League on this subject left little hope of a mutual understanding being established at present.

The Congress has on many previous occasions declared its policy on the communal question, and in relation to the minorities. The policy holds and it covers the principal aspects of the problem, but the course of events and the development of the political situation raise new doubts which require elucidation. The Committee were therefore of opinion that the Congress should, in order to pave the way to a fuller understanding, endeavour to remove doubts by further elucidating its policy on the communal questions that have arisen with a view to making a further declaration. The Working Committee have given earnest consideration to the matter.

They have, however, come to the conclusion that for the present no useful purpose will be served by making such a declaration and this might even at this stage, result in delaying the very consummation, which they earnestly desire, namely a satisfactory settlement that is acceptable to all concerned. The Committee, therefore, do not make any further statement on this subject at present, but they will continue their efforts in accordance with the basic policy of the Congress and its

Source : *The Indian Annual Register 1939*, Calcutta, 1939, Vol. I, p. 307.

many declarations to ensure justice to all communities, as well as to remove such doubts as may arise from time to time. In this task they seek and would welcome the co-operation of all concerned.

47

INDIAN NATIONAL CONGRESS RESOLUTION ON THE "NATIONAL DEMAND": TRIPURI: 10-12 MARCH 1939

. . . The Congress declares afresh its resolve to achieve independence for the nation and to have a constitution framed for a free India through a Constituent Assembly, elected by the people on the basis of adult franchise and without any interference by a foreign authority. No other constitutions or attempted solutions of the problem can be accepted by the Indian people.

The Congress is of opinion that in view of the situation in India, the organised strength of the national movement, the remarkable growth of consciousness of the masses, the new awakening among the people of the States, as well as the rapid development of the world situation, the principle of self-determination must now be applied to the fullest extent to India so that the people of India might establish an independent democratic State by means of a constituent Assembly. Not only the inherent right and dignity of the people demand this full freedom, but also the economic and other problems which press insistently on the masses, cannot find solution nor can India get rid of her poverty and keep pace with modern progress, unless the people have full opportunities of self-government and growth which independence alone can give. Provincial Autonomy affords no such scope for development and its capacity for good is being rapidly exhausted; the proposed Federation strangles India still further and will not be accepted. The Congress is therefore firmly of opinion that the whole Government of India Act must give place to a constitution of a free India made by the people themselves.

Source : *The Indian Annual Register 1939*, Calcutta, 1939, Vol. I, pp. 340-341.

An independent and democratic India will face the solution of her great problems rapidly and effectively and will line herself with the progressive peoples of the world and thus aid the cause of democracy and freedom.

48

DR. N. B. KHARE'S STATEMENT ON CONGRESS TREATMENT OF THE MUSLIMS IN THE CENTRAL PROVINCES: 15 JANUARY 1940

I am surprised to find a statement of Pandit Shukla published through the Associated Press from Jubbulpore [saying] that the charge sheet of Mr. Fazlul Haq, Premier of Bengal, is a Himalaya of lies. I would not have referred to this matter in the press had it not been the statement of Pandit Shukla. Moreover it will not be fair if I do not enlighten the public about facts (at this juncture) as I know them. When I was the Prime Minister I have said before and say it again now that almost within a fortnight of our assuming office I was requested by my the then colleague, Mr. D. P. Mishra, to transfer Mr. Niaz Ahmad Khan, Deputy Superintendent of Police, who was then posted at Jubbulpore, without any apparent reason. The only reason that appeared to me for this request of Mr. Mishra was that Mr. Niaz Ahmad Khan was concerned in the investigation of the famous Hasina kidnapping case. This is one example of persecution of a Muslim officer.

Some of my Mahakoshal colleagues also wanted me not to confirm Mr. M. Inamur Rahim, I.C.S., who was then Deputy Commissioner at Yeotmal and who happens to be the only Muslim I C.S. Officer in the province. This is second example of another victimisation of a Muslim Officer. Of course, I did not carry out these behests of my colleagues because I wanted to be fair to all.

Another example is the famous Shariff affair. In this case Mr. Shariff, the then minister, was taken to task for releasing, before the expiry of the term of imprisonment, certain prisoners, some of whom were Muslims. After due apology this act of Shariff was condoned by

Source : *The Star of India* Bombay, 16 January, 1940.

the Congress Assembly Party at a party meeting, but the High Command and the Working Committee overruled this resolution of the party and appointed a tribunal to go into the Shariff affair. In a parallel case concerning Mr. Mishra some twelve or fifteen members of the party lodged a complaint against him, but the High Command gave an *ex parte* decision in favour of Mr. Mishra; and without taking any explanation from the complainants, they asked them to tender an apology to Mr. Mishra. By this act of theirs the Working Committee or the High Command has given a ground to the Muslims to take objection and to complain of the differential treatment meted out in these two cases, because Mr. Shariff is a Muslim and Mr. Mishra happens to be a Hindu. There is also the famous Panwalla Murder Case in which the Law Minister released a Hindu prisoner convicted of murder of a Muslim, but the High Command have taken no notice of this case although they raised a furore over the Shariff affair, and there is no wonder that the Muslims charge the High Command with partiality in this case also because the Law Minister who did this happens to be a Hindu.

The Shukla Ministry has more often than not sacrificed the interests of other communities also. Mr. Shukla has invoked the aid of the Governor, but I think this is irrelevant because the Governor is not supposed to know the inner workings. I am prepared to go before any committee or commission to state in detail what I know about this.

I may mention here that Pandit Jawaharlal Nehru, who is anxious to tour with Mr. Fazlul Haq to investigate the charges made by the latter against the Congress Ministries, may with much greater usefulness and less travelling expenses come to Nagpur to investigate the charges I have made. I assure him that he will be shocked to find what the C. P. Ministry has done.

PART VI

Muslim Reaction to Congress Rule

49

EXTRACTS FROM M. A. JINNAH'S STATEMENT IN REPLY TO RAJENDRA PRASAD'S OFFER : 26 JULY 1937

In the meantime the Congress policy was that Musalmans should join the Congress unconditionally and sign their pledge. After the Congress was flushed with its majority in six provinces, it deliberately decided to ignore, nay, decided to non-co operate with the Muslim League Parties in the various Provincial Legislatures, and they have in forming the Ministries vindicated the justice and the fair treatment to the minorities urged and promised by Mahatma Gandhi very recently by having made a good feast of all the loaves and fishes that are at present available for the Congress Party in the various Legislatures and getting a stray Musalman to exchange a pledge overnight to accept Ministry the next morning ! . . .

I assure the Musalmans and the public at large that I am not in the slightest degree affected by anything that has happened in the past, and nobody will welcome an honourable settlement between the Hindus and the Musalmans more than I and nobody will be so ready to help it, and as an earnest on my part I sent a message to Mr. Gandhi when he was at Tithal only in the month of May last appealing to him to take up the question of Hindu-Muslim settlement and concentrate his great influence and efforts to which I received the following reply on May 22, 1937:

Dear Mr. Jinnah,

Kher has given me your message. I wish I could do something but I am utterly helpless. My faith in unity is bright as ever; only I

Source : *Some Recent Speeches and Writings of Mr. Jinnah* (ed. by Jamiluddin Ahmad), Lahore, 5th ed. October 1952, Vol. I, pp. 24-26.

see no daylight out of the impenetrable darkness and in such distress I cry out to God for light.

Yours sincerely,
M. K. Gandhi.

50

THE "BANDE MATARAM" SONG : A MUSLIM VIEW
LAHORE: 12 OCTOBER 1937

A few weeks ago the Calcutta press published an article from the pen of a local Muslim, explaining the nature of Bankim Chandra Chatterjee's Bengali novel, *Ananda Math*, from which the pioneers of the anti-partition agitation in Bengal borrowed the song of *Bande Mataram* as their battle-cry about thirty years ago. The explanation consisted mainly of quotations and extracts from the book. Some of these may well be reproduced here, as they are likely to interest many in Northern India, particularly in view of the serious attempts which are being made by certain Congress leaders to elevate *Bande Mataram* to the dignity of a National Anthem of India. It may be mentioned that nobody has so far made any attempt to deny the accuracy of these quotations.

Bankim Chandra introduced the song *Bande Mataram* to his readers as the hymn of a secret religio-political society of Hindus, who are shown in his novel as plotting the overthrow of the decaying Muslim power in Bengal about 170 years age. Bhavananda, the hero of the novel, is collecting recruits for the purpose. On a highway adventure he meets another character, Mahendra, and in his presence hums the song of *Bande Mataram*. Mahendra feels interested in its meaning and trend and asks the hero to repeat the song. Bhavananda does so and makes a running commentary on its text, explaining how and why armed rebellion is necessary to liberate the "Mother". In the course of the conversation that follows Bhavananda says : "Our religion is gone; our caste is gone; our honour is gone; now even life is insecure. Can the

Source : Our Muslim Correspondent, "What Muslim India Thinks: The 'Anti-National' Anthem of India", *The Civil and Military Gazette*, Lahore, 12 October, 1937.

Hindus preserve their Hinduism, unless these drunken *Nereys* (term of contempt for Muslims) are driven away?"

"Will you drive them away single-handed?" asks Mahendra. Bhavananda repeats by way of a reply certain lines of the song of *Bande Mataram*, which mean: "When seventy million throats will roar and twice seventy million hands will hold the sharp-edged sword, call you the Mother weak?" Further argument follows. Mahendra refers to the military prowess of Muslims, but Bhavananda argues that Muslims are cowards. His words are: "The Englishman does not run away from battle even when his life be in danger; but the Muslim runs away even as soon as he begins to perspire. . . . If one cannon-ball falls near them, the whole tribe of Muslims runs for life. . . ". Mahendra is, however, only half-converted to the programme of the secret society. He is still unwilling to take the vow of membership and join the "Sons", as its members call themselves with reference to the "Mother", to whom the hymn of *Bande Mataram* is addressed.

What precisely is this "Mother", to whom the "Sons" bow and offer their hymns of *Bande Mataram*? The next stage in Mahendra's conversion throws a flood of light on what the "Mother" stands for. Mahendra is led into the temple of Ananda Math to have *darshan* of the Mother in a personified form. In the first chamber he sees a huge image of four-armed Vishnu, complete with conch, circle, club and lotus. On the left of this image is Lakshmi, on the right Saraswati; on the lap of Vishnu is another "lovely" image. The priest in charge of the temple asks: "Do you see the image on the lap of Vishnu?" Mahendra says: "Yes, who is she?" "The Mother", he is told. "We are her children", the priest adds and asks Mahendra to say *Bande Mataram.* Mahendra is then led into another chamber. Here the presiding deity is Jagatdhari, an image surrounded with splendour. The priest explains: "The Mother was at first like this". Ushering Mahendra into another chamber, the priest shows him the image of Kali, black and ferocious. "This is", the priest explains, "what the mother has *now* become." The fact is not to be overlooked that the main objective of the Sons of the Mother was to wipe Muslims off the face of Bengal, as further quotations from the book will make amply clear. "Why does she hold those weapons in her hands?" asks Mahendra. The reply is: "We, her children, have armed her with them. Say *Bande Mataram.*" Thence Mahendra is led to a fourth chamber, where the ten-armed Durga presides, attended by Lakshmi and Saraswati. The priest explains:

"This is what the Mother will be like . . . when the enemy has been crushed under her feet." Working himself into religious fervour, the priest chants these lines of *Bande Mataram*, which mean: "Thou art Durga with ten arms; and thou art Lakshmi, the lotus-ranging; and thou art Vani (Saraswati) that giveth knowledge; I salute thee." Mahendra is now converted and expresses his willingness to take the vow.

Two points may be made clear at once. The context of the song entirely excludes the idea of the "Mother" being interpreted as the common motherland of all Indians, Hindus, Muslims and others. She symbolises the motherland only as representing the culture, religion and political history of Hindus exclusively. She personifies the joys and sorrows, the pride and hatred of those who are, according to the story, fighting Muslims. Even if it were possible to interpret the song not with reference to the context, but with exclusive reference to its text, it personifies the "Mother" in the form of certain Hindu images which Muslims can frankly neither salute nor bow to without abjuring the first principle of their faith.

To return, however, to the context which invests the song with its real spirit and meaning, the vow which new recruits to the army of Sons are required to take is to renounce, until the Mother is liberated, all family and worldly ties and to "hold arms in my hands and fight for the *Sanatan Dharma*". Each recruit then sings *Bande Mataram* to confirm the vow. When a sufficient number of men have been recruited, they are sent in batches to different villages to terrorise Muslims—not necessarily, mind you, to fight against the Muslim Government or the Muslims in office, but against any Muslim they may come across. In the author's own words, "the emissaries go to a village and, when they see Hindus, say: 'Brother, will you perform the worship of Vishnu?' and so saying, collect 20 or 25 Hindus and sally forth on Muslim villages and set fire to Muslim houses. The Muslims run helter-skelter to save their lives and the 'Sons' (of the Mother) loot all the possessions of the Muslims and distribute them among the votaries of Vishnu. Getting a share of the loot, the Hindu villagers are pleased and are taken to Vishnu temples and made to touch the feet of the images and then recruited as Sons." (Part III, Chapter 1).

The arson, looting and killing proceed apace. To quote a description from the book (Part III, Chapter 8): "Then there was much shouting. Some shouted, 'kill, kill the *Nereys*'; some shouted, *Bande*

Mataram; some shouted, 'Brother, will the day come when we shall break mosques and build temples of Radhamadhav on the sites' . . . and oft and anon there were resounding shouts of *Bande Mataram*." In the last chapter of the book a note of disappointment is struck. A leader of the rebellion, conversing with a saintly physician, says: "The Muslim power has been crushed, but the Hindu power has not yet been established. The English still rule at Calcutta" and again: "O Lord! Who will then rule? Will Muslims rule again?" The saint utters words, about the impiety of which there appears to be some difference [of opinion]. One of the interpretations is to the effect that "it is so written that the English should first rule before there could be a revival of the Aryan faith."

These quotations which I have taken the liberty of reproducing at some length from the Calcutta press, have, I hope, given the reader an adequate idea of the scheme and trend of the novel, *Ananda Math*. Into the warp and woof of this novel the author has indissolubly woven the song of *Bande Mataram*. It is admitted at all hands that the song first obtained currency among Bengali Hindus through the novel. The fact that Congressmen in Bengal, instead of condemning and boycotting an obviously poisonous book like this, should have actually felt proud of it and adopted its central feature, the song, as their own political hymn during the anti-partition agitation, throws an interesting sidelight on the nature of their political ideals and aspirations. One can only guess how far this song has helped in maintaining or deepening the colour of militant and exclusive Hinduism which Bengal gave the Congress movement during the first decade of the present century.

It is a typical illustration of the psychology of a very large majority of Congress leaders in India that, when they address a public meeting about the necessity of separating religion from politics, they open the proceedings with this song of *Bande Mataram*. It is very much like making a fine art of brazenness. The limit of brazenness is reached when some of the Congress leaders pretend to feel pained and aggrieved at the unwillingness of Muslims to join the chorus. "Why?" they inquire. "What is wrong with the song? Is not anything, of which we, the pioneers of the Swaraj movement, feel proud, good enough for you to be proud of? We know what the song means and stands for, but if you feel very much offended by its context or associations and if you cannot visualise and hail the Mother as 'ten-armed Durga' or as 'lotus-ranging Lakshmi' or as 'knowledge-giving Vani', as she is visualised in the text

of the song, can't you try to overlook these features and just pretend a little pride in the song? By and by you will learn to feel really proud of it. After all, why bring religion or an excess of religious scruples into politics?"

This, in effect, is the apology that is being offered today for the adoption of this song as the official National Anthem of India. Pandit Jawaharlal Nehru has admitted the unfitness of the song for this position because, apart from any other reasons, very few Indians understood its meaning. A much stronger reason for rejecting it is obviously that the few Muslims who understand it feel grossly insulted by it.

Let us by all means have a National Anthem, but let us have something which will inspire members of all communities with equal pride and similar sentiments of patriotism. To keep alive the song of *Bande Mataram*, with its patently idolatrous text and its provokingly anti-Muslim context, is to give India not a national, but a dangerously anti-national, anthem.

51

EXTRACTS FROM M. A. JINNAH'S ALL INDIA MUSLIM LEAGUE PRESIDENTIAL ADDRESS LUCKNOW: 15 OCTOBER 1937

. . . The present leadership of the Congress, especially during the last ten years, has been responsible for alienating the Musalmans of India more and more by pursuing a policy which is exclusively Hindu, and since they have formed the Governments in six provinces where they are in a majority they have by their words, deeds and programme shown more and more that Musalmans cannot expect any justice or fair-play at their hands. Wherever they are in a majority and wherever it suited them, they refused to co-operate with the Muslim League Parties and demanded unconditional surrender and signing of their pledges.

The demand was insistent: abjure your party and forswear your policy and programme and liquidate Muslim League; but where they found that they had not a majority, like the North-West Frontier Province, their sacred principle of collective responsibility disappeared, and promptly the Congress Party was allowed in that province to coalesce with any other group. Then any individual Musalman who was willing to unconditionally surrender and sign their pledge was offered a job as a minister and was passed off as a Musalman minister, although he did not command the confidence or the respect of an overwhelming majority of the Musalman representatives in the Legislature. These men are allowed to move about and pass off as Muslim ministers for the "loyal" services they have rendered to the Congress, by surrendering and signing

Source : *Presidential Addresses of Qaid-i-Azam M. A. Jinnah delivered at the Sessions of the All India Muslim League*, published by S. Shamsul Hasan, Assistant Secretary, All India Muslim League, Delhi, 1946, pp, 1-20.

the pledge unconditionally and the degree of their reward is the extent of their perfidy. Hindi is to be the national language of all India, and the Bande Matram is to be the national song, and is to be forced upon all. The Congress flag is to be obeyed and revered by all and sundry. On the threshold of what little power and responsibility is given, the majority community have clearly shown their hand that Hindustan is for the Hindus; only the Congress masquerades under the name of nationalism, whereas the Hindu Mahasabha does not mince words. The result of the present Congress Party policy will be, I venture to say, class bitterness, communal war and strengthening of the imperialistic hold as a consequence. I dare say that the British Government will give the Congress a free hand in this direction, and it matters very little to them, nay, on the contrary, it is all to the good, so long as their interests, imperial or otherwise, are not touched and the Defence remains intact, but I feel that a fearful reaction will set in when the Congress has created more and more divisions amongst Indians themselves, and made the united front impossible.

Here it will not be out of place to state that the responsibility of the British Government is no less in the disastrous consequences which may issue. It has been clearly demonstrated that the Governors and the Governor General who have been given the powers and special responsibility to safeguard and protect the minorities under the Constitution which was made so much of by Lord Zetland, the Secretary of State for India, during the controversy of the assurances demanded by the Congress Party, have failed to use them and have thereby been a party to the flagrant breach of the spirit of the Constitution and the instrument of instructions in the matter of appointment of Muslim ministers. On the contrary, they have been a party to passing off men as Muslim ministers by appointing them as such, although they know full well that they do not command the confidence of the Muslim representatives or the public outside. If, in a matter like this, the Governors have shown their utterless helplessness and disregard for their sacred obligations which were assumed by the British Government for the protection of minorities, could they or would they be able to afford protection in hundred and one other matters which may not come up to the surface to be known in the day-to-day working of the legislatures and the administrative machinery? These are very serious and noteworthy signs of the time. The one wholesome lesson that I ask the Musalmans to learn, before it is too late, is that the path before the Musalmans is, therefore, plain.

They must realise that the time has come when they should concentrate and devote their energies to self-organisation and full development of their power to the exclusion of every other consideration. I have pointed out before that a section of Musalmans is divided, that there is a group that stands with face turned towards the British. If they have not learnt by now of the bitter consequences they will never learn. God only helps those who help themselves. There is another group which turns towards the Congress, and they do so because they have lost faith in themselves. I want the Musalmans to believe in themselves and take their destiny in their own hands. We want men of faith and resolution who have the courage and determination and who would fight single-handed for their convictions, though at the moment the whole world may be against them. We must develop power and strength, till the Musalmans are fully organised and have acquired that power and strength which must come from the solidarity and the unity of people.

No settlement with the majority community is possible, as no Hindu leader speaking with any authority shows any concern or genuine desire for it. Honourable settlement can only be achieved between equals, and unless the two parties learn to respect and fear each other, there is no solid ground for any settlement. Offers of peace by the weaker party always means confession of weakness, and an invitation to aggression. Appeals to patriotism, justice and fair-play and for good-will fall flat. It does not require political wisdom to realise that all safeguards and settlements would be a scrap of paper, unless they are backed up by power. Politics means power and not relying only on cries of justice or fair-play or good-will. Look at the nations of the world, and look at what is happening every day. See what has happened to Abyssinia; look at what is happening to China and Spain and not to say of the tragedy of Palestine to which I shall refer later. . . .

The All India Muslim League certainly and definitely stands to safeguard the rights and interests of the Musalmans and other minorities effectively. That is its basic and cardinal principle. This is the *casus belli.* That is why the Muslim League and those who stand by it have incurred the displeasure of the Congress, for what else are we doing what the Congress objects to? The Congress is doing exactly what we decided [*sic.*] two years ago. The League is not going to allow the Musalmans to be exploited either by the British Government or any other party or group inside the legislatures or outside. The

Congress with all its boasts has done nothing in the past for the Musalmans. It has failed to inspire confidence and to create a sense of security amongst the Musalmans and other minorities. The Congress attempt under the guise of establishing mass contact with the Musalmans is calculated to divide and weaken and break the Musalmans, and is an effort to detach them from their accredited leaders. It is a dangerous move, and it cannot mislead anyone. All such manoeuvres will not succeed, notwithstanding the various blandishments, catchwords and slogans. The only honest and straightforward course is to give the minorities a fair deal. . . .

52

ALL INDIA MUSLIM LEAGUE RESOLUTION ON THE CONGRESS USE OF THE "BANDE MATARAM" SONG: LUCKNOW: 15-18 OCTOBER 1937

This meeting of the All India Muslim League strongly condemns the attitude of the Congress in foisting Bande Matram as the National Anthem upon the country in callous disregard of the feelings of the Muslims, and considers this song not merely positively anti-Islamic and idolatrous in its inspiration and ideas, but definitely subversive of the growth of genuine nationalism in India.

This meeting further calls upon Muslim members of the various legislatures and public bodies in the country not to associate themselves in any manner with the highly objectionable song.

Source: *Resolutions of the All India Muslim League from October 1937 to December 1938*, published by Liaquat Ali Khan, Honorary Secretary, All India Muslim League, Delhi, n.d., p. 4, Resolution No. 6.

53

ALL INDIA MUSLIM LEAGUE RESOLUTION ON THE FAILURE OF CONGRESS PROVINCIAL GOVERNMENTS TO SAFEGUARD MUSLIM INTERESTS: LUCKNOW: 15-18 OCTOBER 1937

This meeting of the All India Muslim League deprecates and protests against the formation of Ministries in certain Provinces by the Congress parties in flagrant violation of the letter and spirit of the Government of India Act, 1935, and the instrument of instructions, and condemns the Governors for their failure to enforce the special powers entrusted to them for the safeguard of the interest of the Musalmans and other important minorities.

Source: *Resolutions of the All India Muslim League from October 1937 to December 1938*, published by Liaquat Ali Khan, Honorary Secretary, All India Muslim League, Delhi, n.d., p. 4, Resolution No. 7.

54

ALL INDIA MUSLIM LEAGUE COUNCIL RESOLUTION APPOINTING THE PIRPUR COMMITTEE: DELHI: 20 MARCH 1938

Whereas numerous complaints have reached the Central Office of the hardship, ill-treatment and injustice that is meted out to the Muslims in various Congress Government Provinces, and particularly to those who are workers and members of the Muslim League, the Council resolves that a special committee be appointed, consisting of the following members, to collect all informations [*sic.*], make all necessary inquiries and take such steps as may be considered proper and to submit their report to the President and the Council from time to time:

1. Raja Syed Mohammad Mehdi Saheb (Chairman).
2. Mr. Ali B. Habibullah (Secretary).
3. K.B. Haji Rashid Ahmad Saheb.
4. Syed Ashraf Ahmad.
5. Moulvi Abdul Ghani Saheb, M.L.A.
6. Mian Ghiasuddin Saheb, M.L.A.
7. Syed Zakir Ali Saheb.
8. Syed Hasan Reyaz Saheb.
9. Syed Taqi Hadi Saheb.

Source: *Resolutions of the All India Muslim League from October 1937 to December 1938*, published by Liaquat Ali Khan, Honorary Secretary, All India Muslim League, Delhi, n.d., pp. 12-13, Resolution No. 5.

55

EXTRACTS FROM M. A. JINNAH'S ALL INDIA MUSLIM LEAGUE PRESIDENTIAL ADDRESS: CALCUTTA: 17 APRIL 1938

Numerous representations and complaints have reached the central office of hardship, ill-treatment and injustice that is [*sic.*] meted out to Musalmans in the various Government Provinces, and particularly to those who were workers and members of the All-India Muslim League, and therefore the Council were obliged to appoint a special committee, under the chairmanship of Raja Sahib Mahomed Mehdi Sahib, to make all necessary inquiries and to take such steps as may be considered proper and to submit their report to the Council and the President.

Although some of the pronouncements of the President and other leaders of the Congress at Haripura created an impression of a really genuine desire for the settlement of the Hindu-Muslim question and in pursuance of that Mr. Gandhi and Pandit Jawaharlal Nehru have written to me and I have replied to those letters and the correspondence is going on—yet there is no slackening on the part of the Congress in the determination of their set purpose to annihilate every other party and particularly the All-India Muslim League.

The Congress attitude so far as can be summed up is first that the Communal Award must go lock, stock and barrel; secondly, that there must be no separate electorates, and thirdly that there must be no differential franchise, and if possible, there should be no reservation of seats for any community.

The result of this will be obvious, viz. that Musalmans will be wiped out from securing [*sic.*] any adequate representation either in the

Source: *The Indian Annual Register 1938*, Calcutta, 1938, Vol. I, pp. 383-385.

legislatures or in the municipal, local and district boards, as it happened in Bihar recently since the Government have removed even the existence of commulative [*sic.*] voting which existed before they assumed office.

The Congress resolutions about fundamental rights and declarations with regard to religion, culture and language are nothing but paper resolutions. There is not the slightest doubt that most aggressive attitude was taken up by the Congress Government on the threshold of their assuming office and they endeavoured to impose the "Bande Mataram" song in the legislatures and after much bitterness and opposition it has been dropped. They are pursuing a policy of making Hindi a compulsory language, which must necessarily, if not completely, destroy, at any rate vitally undermine, the spread of the development of Urdu, and what is worse still is that Hindi with its Hindu Sanskritous literature and philosophy and ideals will and must necessarily be forced upon the Muslim children and students.

In various parts of India serious difficulties are put in the way of Muslims enjoying liberty of observing their religious rights freely. It is one thing to make every [*sic.*] high sounding declaration such as the Congress are in the habit of making and the Working Committee repeating them, but it is another thing how to translate them into action, and so far the Congress are preaching one thing and practising just the contrary.

The President of the Congress, Mr. Subhas Chandra Base [*sic.*], having quoted these paper resolutions about so-called protection of religion, culture and language proceeded to state:

"The time is opportune for renewing our efforts for the final solution of the problem. I believe I am voicing the feeling of all Congressmen when I say that we are eager to do our very best to arrive at an agreed solution consistent with the fundamental principles of nationalism."

Here I wish he was speaking on behalf of all the Congressmen as he believed he was. It is no use masquerading under the name of nationalism. Congress is a Hindu body mainly. It is begging the whole question to say that we are eager to do our very best to arrive at an agreed solution and qualify it by saying consistently with the fundamental principles of nationalism as if the Muslim League was opposed to the fundamental principles of nationalism. Muslims have made it clear more than once that besides the question of religion, culture, language and personal laws, there is another question equally of life and death for them and that their future destiny and fate are dependent upon their

securing definitely their political rights, their due share in the national life, the Government and the administration of the country.

They will fight for it till the last ditch and all the dreams and notions of the Hindu Raj must be abandoned. They will not be submerged or dominated and they will not surrender so long as there is life in them.

The Muslim League claims the status of complete equality with the Congress or any other organisation and we have our problem to solve. We have under the present conditions to organise our people for building up Muslim masses for a better world and for their immediate uplift, social and economic, and we have to formulate plans of constructive and ameliorative character which would give them immediate relief from the poverty and wretchedness from which they are suffering more than any other sections of the people in India.

I welcome a policy of live and let live. I welcome an understanding in matters economic and political. But we cannot surrender, submerge or submit to the dictates or the ukase of the High Command of the Congress which is developing into a totalitarian and authoritative caucus functioning under the name of the Working Committee and aspiring to the position of a "shadow cabinet" of a future Republic.

The Muslim League is not only carrying on a struggle for the Muslims but it maintains that all other important minorities must have the same sense of security and a place in the sun of India where they will enjoy the rights and privileges as free citizens and not be ground down by caste tyranny and caste rule.

In my opinion, the Congress is making one of the greatest blunders by pursuing its present policy. The High Command of the Congress has no policy except opportunism and arrogance and are utilising their organisation, because it happens to be the largest and most powerful to treat every other party with contempt and they imagine that they have already become the rules [*sic.*] of India. It is astounding that they believe that they have conquered six provinces absolutely and in the seventh they have a dominant voice as the majority in the coalition of the North West Frontier Province are Congressmen and they talk of drum beating and they believe that it won't be very long before the remaining four Provinces will fall before the conquering heroes of the High Command of the Congress.

But to the Musalmans I say that they must realise that there cannot be any honourable settlement between two parties when one claims to

be superior to the other and has for its aim and object the domination and dictation of the other. Honourable settlement can only be achieved between equals and unless the two parties learn to respect and fear each other there is no solid ground for any settlement.

56

ALL INDIA MUSLIM LEAGUE RESOLUTION ON HINDU-MUSLIM RIOTS IN CONGRESS-RULED PROVINCES: CALCUTTA: 17 APRIL 1938

That this Special Session of the All India Muslim League views with alarm the large number of communal riots which are taking place in U.P., Bihar, C. P., Bombay and other provinces resulting in loss of life and property of the Musalmans. In the opinion of the League, the Congress Governments have signally failed to discharge their primary duty of protecting the Muslim minorities in their provinces, and it declares that if immediate steps are not taken to protect the Musalmans by the Congress Governments, the consequences to the country as a whole will be disastrous. The League congratulates the Muslims in the villages and towns on the patience and forbearance that they have shown during these occurrences. This Session calls upon the Provincial Leagues to collect all necessary information about all these incidents and to submit their reports to the Council of the All India Muslim League at an early date.

Source: *Resolutions of the All India Muslim League from October 1937 to December 1938*, published by Liaquat Ali Khan, Honorary Secretary, All India Muslim League, Delhi, n.d., p. 20, Resolution No. 3.

57

ALL INDIA MUSLIM LEAGUE RESOLUTION ON CONGRESS AND THE BENGAL AND ASSAM MUSLIM MINISTRIES: CALCUTTA: 18 APRIL 1938

This Session of the All India Muslim League places on record its sense of appreciation of the efforts of Huq Ministry in Bengal and Saadullah Ministry in Assam particularly for resisting the machinations of the Congress to break through these fronts and appeals to every Musalman to accord whole-hearted support to the Ministries in Bengal and Assam.

Source: *Resolutions of the All India Muslim League from October 1937 to December 1938*, All India Muslim League Office, Delhi, n.d., Resolution No. 1, p. 19.

58

ALL INDIA MUSLIM LEAGUE RESOLUTION ON CONGRESS'S ANTI-MUSLIM ACTIVITIES IN THE N.-W.F.P: CALCUTTA: 18 APRIL 1938

This Session of the All India Muslim League calls upon the Musalmans of India, to take special steps to combat the Congress Anti-Muslim activities in the Frontier Province.

Source: *Resolutions of the All India Muslim League from October to 1937 December 1938*, All India Muslim League Office, Delhi, n.d., Resolution No. 4, p. 20.

59

ALL INDIA MUSLIM LEAGUE COUNCIL RESOLUTION ON CONGRESS DEMAND FOR A CONSTITUENT ASSEMBLY: DELHI: 30-31 JULY 1938

Resolved that the scheme as proposed by the Congress for the Constituent Assembly is not acceptable as the Council considers it most injurious and detrimental to the interests of Musalmans.

Source: *Resolutions of the All India Muslim League from October 1937 to December 1938*, All India Muslim League Office, Delhi, n.d., Resolution No. 7, p. 29.

60

EXTRACTS FROM M. A. JINNAH'S PRESIDENTIAL ADDRESS TO THE SIND MUSLIM LEAGUE CONFERENCE: KARACHI: 8 OCTOBER 1938

'The struggle that we are carrying on is not merely for loaves and fishes, ministerships and jobs, nor are we opposed to the economic, social and educational uplift of our countrymen as it is falsely alleged. We want to make every contribution to the uplift of our people particularly Musalmans. Do not believe when you are told that the policy and programme of the League is reactionary. No honest man who has studied the policy and programme of the League can conscientiously and truthfully say that it is anything but fully national and most progressive. Yet the Muslim League and its leaders are daily misrepresented and vilified. Truth is suppressed and falsehood is broadcast in the Congress press and news agency; of course we having no press [*sic.*]. But the greatest misfortune of India is that the High Command of the Congress has adopted a most brutal, oppressive and inimical attitude towards the All-India Muslim League since they secured the majority in the six provinces.

'It is common knowledge that the average Congressman, whether he is a member by conviction or 'convenience', arrogates to himself the role of a ruler of this country and although he does not possess the educational qualifications, training and culture and traditions of the British bureaucrat he behaves and acts towards the Musalmans in a much worse manner than the British did towards Indians. The supreme command may well deplore corruption, untruthfulness and violence and may further deplore the faked register of membership of the Congress by 'convenience'.

Source: *The Indian Annual Register 1938*, Calcutta, 1939, Vol. II, p. 353.

Proceeding, he said, I know that Governors and the Governor-General have failed the minorities, specially the Musalmans. But on the other hand we are told that there is a gentlemen's agreement and a secret understanding between the British Government and the Congress in consequence of which assurances were given that such powers will not be exercised, and so it is obvious that the Congress Ministries are getting the longest rope with the result that the foolish policy of the Congress is responsible not only for intense bitterness between the two sister communities but among the various classes and interests. It has resulted in serious clashes and conflicts and ill-will, which are bound to recoil in the long run on the progress and welfare of India. And it seems that Congress is only tumbling into the hands of those who are looking forward to the creation of a serious situation which will break India vertically and horizontally.

61

ALL INDIA MUSLIM LEAGUEE XECUTIVE COUNCIL (WORKING COMMITTEE) RESOLUTION ON MUSLIM SUFFERINGS IN THE CENTRAL PROVINCES: KARACHI: 8-10 OCTOBER 1938

The Executive Council considered the situation in C. P. and resolved as follows:—

The Executive Council of the All India Muslim League places on record its appreciation of the brave fight that the Muslim League Party in the C. P. and Bihar Assembly, the Nagpur, Jabbalpure and other Muslim Leagues and several Muslim institutions in the province, having [*sic.*] been putting up against the Vidya Mander Scheme and other measures of the Congress Government that are highly detrimental to the interests of the Muslims, and calls upon all the Muslims in the province to unite under the banner of the Muslim League for the solution of their religious, linguistic, cultural and political rights, and is of the opinion that they should not resort to any direct action without the sanction of the Executive Council of the All India Muslim League.

Source : *Resolutions of the All India Muslim League from October 1937 to December 1938*, published by Liaquat Ali Khan, Honorary Secretary, All India Muslim League, Delhi, n. d., p. 40, Resolution No. 9.

62

ALL INDIA MUSLIM LEAGUE COUNCIL RESOLUTION APPOINTING A COMMITTEE TO EXAMINE THE WARDHA SCHEME OF EDUCATION: NEW DELHI: 4 DECEMBER 1938

Resolved that this meeting of the Council of the All India Muslim League appoints a committee consisting of the gentlemen noted below who shall report on the following points at the next meeting of the League at Patna:—

1. Whether the Wardha Scheme would have the effect of preventing or circumscribing the progress of the Urdu Language and Urdu script and whether it would tend to obliterate or weaken the religious traditions and culture of the Indian Muslims so that they might lose their separate national identity and be moulded according to the political ideals of the Congress.
2. Whether it is essential that the Muslims should have their own separate organisation for education which should be under their own control and how this could be effected.

It was further resolved that within three months the Committee shall submit to the All-India Muslim League an educational scheme which should provide such education for Muslim boys and girls as would create in them an Islamic mentality, strengthen the Islamic characteristics, and at the same time, fully equip them to meet the exigencies of the present age.

1. Dr. Zafarul Hasan. 2. Dr. Kadri. 3. Syed Nawab Ali Saheb. 4. Maulana Zafar Ali Khan. 5. Dr. Khalifa Shujauddin. 6. Karimurraza Khan Saheb. 7. Maulana Burhanul Haq Saheb. 8. Raja Saheb Pirpur, Convener of the Committee.

Source : *Resolutions of the All India Muslim League from October 1937 to December 1938*, All India Muslim League Office, Delhi, n. d., Resolution No. 8, pp. 43-44.

63

ALL INDIA MUSLIM LEAGUE COUNCIL RESOLUTION ON COUNTERACTING THE CONGRESS'S MUSLIM MASS CONTACT CAMPAIGN: NEW DELHI: 4 DECEMBER 1938

Resolved that the following proposed resolution be forwarded to the Propaganda and Publicity Committee for such action as it thinks proper:—

That in order to counteract the Muslim Mass Contact Movement launched by the Congress, the following measures be adopted:

(*i*) In every province and district where the spiritual influence of the Ulama could be utilised for the purpose, brief Fatwas and manifestos should be issued on behalf of the Ulama in which the Muslims should be warned against joining the Congress, and the disadvantages from the religious point of view of any association with the Congress should be clearly and emphatically explained to them. These Fatwas should be published under the authority of the All India Muslim League through the agency of the local League in the language of each province or district.

(*ii*) In consultation with the Ulama some suitably qualified Muslims should be appointed to address Friday Congregations and other Muslim gatherings and also meetings held in rural areas on the subject of the religious turpitude and secular harm which is likely to result for the Muslims by their joining the Congress.

(*iii*) Having regard to the fact that in certain public offices undue

Source : *Resolutions of the All India Muslim League from October 1937 to December 1938*, published by Liaquat Ali Khan, Honorary Secretary, All India Muslim League, Delhi, n. d., pp. 46-47, Resolution No. 15.

pressure is put on Muslim subordinates by their official superiors in order to make them join the Congress and similarly in certain mills and workshops with Congressite owners and managers Muslim workmen and labourers are compelled to join the Congress, the Council of the All India Muslim League should direct influential and leading members of the League to move Government officers responsible for the maintenance of law and order to check such unlawful abuse of power.

64

ALL INDIA MUSLIM LEAGUE EXECUTIVE COUNCIL (WORKING COMMITTEE) RESOLUTION ON THE INTRODUCTION OF THE VIDYA MANDIR SCHEME IN THE CENTRAL PROVINCE AND BERAR: NEW DELHI: 5 DECEMBER 1938

The Executive Council considered the serious situation that has arisen in the Central Provinces and Berar with regard to the Introduction of the Vidya Mandir Scheme and its repercussions all over India, and also considered the request of the C.P. Provincial Muslim League to launch Civil disobedience as the Musalmans of the Province have exhausted all constitutional methods to secure redress of their grievances. The Executive Council resolved that Nawabzada Liaquat Ali Khan M.L.A., Honorary Secretary, All India Muslim League, be deputed to go to the Central Provinces and examine the situation and submit his report before the Annual Session of the All India Muslim League at Patna.

Source: *Resolutions of the All India Muslim League from October 1937 to December 1938*, All India Muslim League Office, Delhi, n.d., Resolution no. 1, p. 49.

65

EXTRACTS FROM M. A. JINNAH'S ALL INDIA MUSLIM LEAGUE PRESIDENTIAL ADDRESS: PATNA: DECEMBER 1938

. . . One thing has been demonstrated beyond doubt, namely, that the Congress High Command wanted the Musalmans to be a mere under-study of the Congress, mere foot-pages of the Congress leaders, to be used, governed and brought under the heels when they had served the purpose of the Congress. The Congress leaders wanted them to submit unconditionally to the Hindu raj. The game has now been fully exposed . . . .

The Congress has now, you must be aware, killed every hope of a Hindu-Muslim settlement in the right royal fashion of Fascism. The Congress does not want any settlement with the Muslims of India. As the Chairman of the Reception Committee has said in his address, the Congress wants the Muslims to accept the settlement as a gift from the majority. The Congress High Command makes the preposterous claim that they are entitled to speak on behalf of the whole of India, that they alone are capable of delivering goods. Others are asked to accept the gift as from a mighty sovereign. The Congress High Command declared that they will redress the grievances of the Muslims, and they expect the Muslims to accept this declaration. I want to make it plain to all concerned that we Muslims want no gifts. The Muslims want no concessions. We Muslims of India have made up our minds to have our fullest rights but we shall have them as rights, not gifts or concessions.

As I have said before, there are four forces at play in this country.

Source: *Presidential Addresses of Qaid-i-Azam M. A. Jinnah delivered at the Sessions of the All India Muslim League*, published by S. Shamsul Hasan, Assistant Secretary, All India MuslimLeague, Delhi, 1946, pp. 39-58.

Firstly, there is the British Government. Secondly, there are the rulers and people of the Indian States. Thirdly, there are the Hindus, and, fourthly, there are the Muslims. The Congress press may clamour as much as it likes, they may bring out their morning, afternoon, evening and night editions, the Congress leaders may cry as much as they like that the Congress is a national body. But I say it is not true. The Congress is nothing but a Hindu body. That is the truth and the Congress leaders know it. The presence of the few Muslims—the few misled and mis-guided ones and the few who are there with ulterior motives – does not, cannot, make it a national body. I challenge anybody to deny that the Congress is mainly a Hindu body. I ask, does the Congress represent the Muslims? (Voices: no. no.)

I ask, does the Congress represent the Christians? (Voices: no. no.) I ask, does the Congress represent the Scheduled Castes? (Voices: no. no.) I ask, does the Congress represent the non-Brahmans? (Voices : no. no.)

I say the Congress does not even represent all the Hindus. What about the Hindu Mahasabha? What about the Liberal Federation? The Congress, no doubt, is the largest single party in the country. But it is nothing more than that. It may arrogate to itself whatever titles it likes; the Congress High Command, in the intoxication of power, like persons who are drunk, may make any claims it pleases them to make. But such claims cannot alter the true character of the Congress. It remains what it is—mainly a Hindu body.

Such claims might have hoodwinked some people for some time but they cannot hoodwink the Muslims any longer. I am convinced—I think you are also now convinced, and many who are not yet convinced will soon be convinced, and those who are honestly mistaken now, not those who are dishonest in their conviction, will also be convinced—that the Congress is not a national body. It is a misfortune of our country; indeed, it is a tragedy that the High Command of the Congress is determined, absolutely determined, to crush all other communities and cultures in this country and establish Hindu raj. They talk of national government, but they mean only Hindu government. But the bubble has been pricked too soon. Intoxicated with power gained under the new constitution, with the majority in six or seven provinces, the Congress game has been exposed a little too soon. What did the Congress do when it got power? With all its pretensions of nationalism, it straightway started with the Bande Matram. It is admitted that Bande Matram is not the

national song, yet it is sung as such and thrust upon others. It is sung not only in their own gatherings, but Muslim children in Government and Municipal schools too are compelled to sing it. Muslim children must accept Bande Matram as their national song, no matter whether their religious beliefs permit them to do so or not. It is idolatrous and a hymn of hate against Muslims.

Take the case of the Congress flag. Admittedly it is not the national flag of India, yet that flag must be respected by everyone and hoisted on every Government and public building. It does not matter if the Muslims object to it, the Congress flag must be paraded as the national flag of India and thrust upon the Muslims.

Take next the case of Hindi-Hindustani. I need not add to what has already been said by the Chairman of the Reception Committee. Is there any doubt now in the mind of anyone that the whole scheme of Hindi-Hindustani is intended to stifle and suppress Urdu? (Voices: no doubt.)

Take next the Wardha scheme of education. Were the Muslims taken into confidence when the scheme was under preparation? The whole scheme was conceived and its details worked out behind the back of the Muslims. Who is the author of the scheme? Who is the genius behind it? Mr. Gandhi. I have no hesitation in saying that it is Mr. Gandhi who is destroying the ideal with which the Congress was started. He is the one man responsible for turning the Congress into an instrument for the revival of Hinduism. His ideal is to revive Hindu religion and establish Hindu raj in this country, and he is utilising the Congress to further this object.

The reaction of the Muslims to such a scheme of education could not but be what it has been all over the country. You have seen the Pirpur Report and I need not add to what has been described in that document. The position may be summed up in one sentence. To-day Hindu mentality and outlook is being carefully nurtured and Muslims are being forced to accept the Hindu ideals in their daily life. Have Muslims anywhere done anything of the sort? Have they anywhere sought to impose Muslim culture on the Hindus? Yet whenever Muslims have raised the slightest voice of protest against the imposition of Hindu culture on them, they have been branded as communalists and disturbers of peace, and the repressive machinery of the Congress Governments has been set in motion against them. Take the cases that have occurred in Bihar. Who have suffered suppression of culture

under the Congress Government? It is the Musalmans. Against whom are the repressive measures taken, prohibitory orders issued and among whom are arrests made? It is the Muslims. I should like to know a single instance—I am prepared to learn and correct myself—a single instance where the Muslim League or Muslim individuals may have tried to force their own culture upon the Hindus in the last eighteen months. (Cries: nowhere.) . . .

66

ALL INDIA MUSLIM LEAGUE RESOLUTION ON THE THREAT OF DIRECT ACTION IN PROTEST AGAINST CONGRESS ATROCITIES: PATNA: 27 DECEMBER 1938

That having regard to the atrocities that have been committed and that elementary rights of the Muslims have been trampled upon in a systematic manner in Bihar, U.P., and C.P., and that the Governments of these provinces have failed to redress their grievances or protect even the elementary rights of the Musalmans in these provinces in spite of all constitutional methods adopted so far by the Muslims, this session of the All India Muslim League is therefore of the opinion that the time has now come to authorise the Working Committee of the All India Muslim League to decide and resort to "Direct Action" if and when necessary.

Source : *Resolutions of the All India Muslim League from October 1937 to December 1938*, published by Liaquat Ali Khan, Honorary Secretary, All India Muslim League, Delhi, n. d., pp. 56-57, Resolution No. 4.

67

M. A. JINNAH'S STATEMENT ON M. K. GANDHI'S VIEWS : 1 JANUARY 1939

I have seen the report of the interview given by Mr. Gandhi to Mr. H. V. Hodson, and it is quite clear that he maintains the preposterous claim of the Congress that it is the "only body that can deliver the goods on behalf of the people of India", and indulges in platitudes and talks about the history of the Congress and its ambition to become "all-representative of the entire nation".

He says that it is a worthy ambition, in keeping with its best tradition, and that "if you study the Congress, you will find that, since its inception, the Congress has sought to serve and represent all sections of the country equally".

Mr. Gandhi is mainly responsible for having destroyed that ideal and the tradition of the Congress, since he has captured it. It is all very well for Mr. Gandhi to say that the Congress would love to be absorbed by the Muslim League if the Muslim League cared to absorb it, or to absorb the Muslim League in its turn, so far as the political programme was concerned. Is it not absurd, on the face of it, to set the Muslim League the task of absorbing the Congress, the Congress being mainly a Hindu body with a majority of four to one? Mr. Gandhi is quite safe and he knows that the result will be that the Congress will absorb the Muslim League, and he can well afford to talk in this strain.

In fact, Mr. Gandhi proceeded to say, when asked [if] the Congress, in its ambition to absorb other political organisations, "tended to become a totalitarian party": "You may damn it by calling it totalitarian. Absorption is inevitable".

Source : *Civil and Military Gazette*, Lahore, 4 January, 1939.

Then Mr. Gandhi hastens to say, "You should bear in mind that the Congress does not impose its will on others". Is this true?

And then he says, "Its (the Congress's) sanctions are non-violent". Is this true?

When asked by his interviewer, "Would not the march to full responsible government be more rapid if the Musalmans were taken along?", his reply was: "Of course it would be. Personally I do not want anything which the Muslims oppose, but I have faith that the solution to the Hindu-Muslim tangle will come much sooner than most people expect."

I am glad that Mr. Gandhi is beginning to see some light through an impenetrable darkness.

But the story of Mr. Gandhi, when he says "I do not want anything which the Muslims oppose", is so old and so oft repeated by him that it is not going any longer to deceive the Musalmans. When he talks of his "detached mind", it is difficult to believe it. So far as the Muslim League is concerned, they have been driven to the conclusion that, whatever may be the ideal and theory and however worthy, actual realities show that the Congress has proved in its policy and programme, whenever they have been called upon to act, that they are no better than the Hindu Mahasabha, which openly stands for a Hindu Raj in this country, as laid down by them only a few days ago at the Nagpur session of the Hindu Mahasabha.

68

REPORT OF THE ALL INDIA MUSLIM LEAGUE COMMITTEE ON THE WARDHA SCHEME OF EDUCATION: DELHI: 8 APRIL 1939

To

THE SECRETARY,

ALL-INDIA MUSLIM LEAGUE,

DELHI.

Sir,

The Council of the All-India Muslim League passed the following Resolution on December 4, 1938 at Delhi.

"Resolved that this meeting of the Council of the All-India Muslim League appoints a Committee of the gentlemen noted below who shall report on the following points at the next meeting of the League at Patna:

A.—Whether the Wardha Scheme would have the effect of preventing or circumscribing the progress of the Urdu language, and the Urdu script.

B.—And whether it would tend to obliterate or weaken the religious traditions and culture of the Indian Muslims, so that they might lose their separate national identity and be moulded according to the political ideals of the Congress.

C.—Whether it is essential that the Muslims should have their own separate organisation of education, which should be under their own control.

D.—And how this could be effected?

E.—It is further resolved that within three months the Committee

Source : *Report of the Committee appointed by the Council of the All India Muslim League to examine the Wardha Scheme*, All India Muslim League Office, Dehli, 1939.

shall submit to the All-India Muslim League an Educational Scheme which shall provide such education for Muslim boys as would create in them the Islamic mentality, strengthen the Islamic characteristics, and at the same time fully equip them to meet the exigencies of the present age.

Dr. Syed Zafar-ul-Hasan
Dr. Afzal Husain Qadri
Syed Nawab Ali Sahib
Maulana Zafar Ali Khan
Dr. Khalifa Shuja Uddin
Karim-ur-Raza Khan Sahib
Maulana Burhan-ul-Haq Sahib
Raja Sahib Pirpur (Convener of the meeting)

In pursuance of the above resolution the Committee submitted its interim report at Patna and was granted another three months for submission of a detailed report on the Wardha Scheme. The Committee held several sittings at Aligarh and examined the Wardha Scheme in all its bearings. We have suggested certain modifications which we consider essential before it can be acceptable to the Muslim.

In case these modifications are not acceptable to the framers of the Scheme, we are of opinion that the Muslim education should be conducted on separate lines, the principles of which we have laid down in our report.

We have not entered into detailed criticism of the syllabus as we had neither sufficient time at our disposal nor did we find ourselves qualified to do so. We suggest that an expert committee of leading Muslim educationists should be appointed by the League for this work. Dr. A. H. Qadri, a member of our Committee, has already drawn up a detailed syllabus which should prove of great help to this committee.

We regret that our report has been delayed but this was due to abnormal conditions prevailing in the Muslim University following the Exhibition incident.

Dr. Syed Zafr-ul-Hasan attended the first meeting and then declined to work on the Committee any longer.

We have the honour to be
SIR
Your most obedient servants,
(Raja) Syed MOHAMMAD MAHDI
of Pirpur (Convener).

Dr. Afzal Husain Qadri,
Karim-ur-Raza Khan (M.A.L.),
(Professor) Syed Nawab Ali.

The Wardha Scheme is really the working of Mr. Gandhi's ideas of Education. The framers of the scheme at the very outset acknowledged his leadership and paid a tribute to the whole-hearted devotion with which he threw himself into the task of evolving a system of education which might be in harmony with the genius of the Indian people and solve the problem of mass education in a practical way and within as short a time as possible. The basic idea of his scheme, as expounded by him in his articles in the *Harijan* and at the Wardha Educational Conference, is that education, if it is to be sound in its principles, should be imparted through some craft or productive work, which should form the nucleus of all other instruction imparted in the school. This craft, if taught efficiently and thoroughly, should enable the school to pay towards the cost of its teaching staff. According to him, this would also help the State to introduce immediately the scheme of free and compulsory basic education, the cost of which otherwise, in the existing political and financial condition of the country, would be prohibitive.

Writing in the *Harijan* of October 2, 1937, Mr. Gandhi says:—

> "Having spoken strongly in 1920 against the present system of education, and having now got the opportunity of influencing, however little it may be, Ministers in seven provinces, who have been fellow-workers and fellow-sufferers in the glorious struggle for freedom of the country, I have felt an irresistible call to make good the charge that the present mode of education is radically wrong from bottom to top. And what I have been struggling to express in these columns very inadequately has come upon me like a flash, and the truth of it is daily growing upon me."

Speaking at the All-India National Education Conference Dr. Zakir Husain pointed out that many educationists had been trying to make some manual work the central idea of education. This method is called the Project Method in America and the Complex Method in Russia.

NON-VIOLENCE

Mr. Gandhi in his inaugural speech drew the attention of the audience to the fundamental principles of his plan of self-supporting primary education, (p. 71 Education Reconstruction) :

"If we want to eliminate communal strife, we must start with foundations pure and strong, by rearing our younger generation on the education I have adumbrated. That plan springs out of non-violence. We have to make them true representative of our culture, our civilization, and the true genius of our nation Europe is no example to us. It plans its programme in terms of violence because it believes in violence. I would be the last to minimise the achievement of Russia, but the whole structure is based on force, and violence. If India has resolved to eschew violence, this system of education becomes an integral point of the discipline she has to go through. We cannot, and will not think in terms of exploitation and we have no other alternative but this plan of education which is based on non-violence.

Mr. K. G. Mashruwala threw further light on the subject in his article in the *Harijan* (7-12-37). He said :—

"The system of primary education is the application of the law of non-violence in the training of the child as a prospective citizen of the world. Its aim is to make the child share the obligations of citizenship from the earliest age at which it begins to show some power of discrimination. The school will be the centre for the radiation of culture to the surrounding society."

The Committee of the Central Advisory Board of Education appointed to consider the Wardha Scheme approved it with insignificant alterations.

The ideas of educating children through some suitable form of productive work has found favour with modern educationists and the principle is commendable.

In our opinion, an examination of the basic principles of the scheme is absolutely essential in order to gauge the effect of the scheme on the language, culture, and religious tradition of Muslims.

A system of primary education has been adopted in some countries as a means of wiping out the separate identity of various communities and welding them into a corporate State, as well as to propagate the political and economic principles of the party in control of the machinery of the state, and for the conversion of the youth to the ideals of the party.

Mr. Gandhi in his inaugural speech at the Wardha Conference said:—

"Legislation, if it was necessary in this respect, would not be compulsory as it could not be passed without the consent of the

majority of our representatives."

Those who have the experience of the working of the legislature in the Congress Provinces are familiar with the callous disregard shown to the Muslim representatives. We need hardly emphasize that the legislations are carried without giving due weight to the opinions of Muslims. The experience gained in totalitarian states shows that the culture and separate individual existence of minority nations has been undermined by a system of education and the Muslim youth would be then converted without apparent use of force to the Congress creed by the introduction of a similar system.

The history of the successful conversion of the youth in Turkistan is well-known. We think it will not be out of place here to give a brief account of the method and results of the system of education based on the political ideology of parties in certain other countries. We shall then take up the Wardha Scheme and examine how far its ideals would tend to obliterate or weaken the religious traditions and culture of the Indian Muslim, so that they may lose their separate national identity and be moulded according to the political ideals of the Congress.

EDUCATION IN MODERN RUSSIA

The process of socialising and mechanising Russia under the new economic policy and five-years plan received great impetus from the educational and propagandist activities of the Communist dictatorship. Lenin and Stalin and their chief associates in the Communist Party understood perfectly well that unless the mass of workers and peasants were inspired with an enthusiasm for the new order, mere decrees of the Soviet Government would be without a lasting effect. Socialistically trained citizenship was as necessary as the economic plan. The universities and educational societies were purged of scholars unsympathetic to the Communist creed and were staffed with persons willing to interpret the various subjects according to Marxian principles. The masses could not be safely allowed to divide their allegiance between a materialism sponsored by the Communist and the spiritualism preached by the clergymen. Communism, in fact, aimed at destroying the influence of religion. The party was organised and aimed at ousting religion and was an eager preacher of a new dispensation throughout Russia. Its importance lay not only in its control of the Soviet Government and its direction of policies but also in its missionary work among the masses, getting them to accept the communist aims and to co-operate loyally in

their achievement. To this end the party strove and paid special attention to the conversion of the youth of the land. The object of mass education was not only the ensuring of needful literacy in the nation but also the conversion of the rising generation to Communism. Consequently, the Russian masses were becoming literate in the same proportion in which they were being converted to Communism.

EDUCATION IN ITALY

In Fascist Italy measures were taken to use education as a means of gaining mass support. Great stress was laid in the schools on training in citizenship, Fascist Citizenship. The teachers had Fascist sympathies and the curricula and text books were all based on Fascist principles. For many, moreover, Fascist training in the schools was supplemented by similar training in the Party's auxiliary organisation for youth. Nationalism was continually emphasized and extolled by the Fascist leaders. Italians were repeatedly reminded of their past greatness and future hopes as a nation. It is in relation to learning and scholarship that the claims of totalitarian states make themselves felt with the greatest insistence. These states do not hesitate to invoke the idealistic theory of the state in order to identify the convenience of the party in power with that of the state.

We must bear in mind that the principle of leadership is a distinctive feature of Fascist philosophy. All artistic, sporting and cultural movements having their origin in the spiritual requirements of the people are united under the direction of the party organisation which encourages and co-ordinates their existence. These are not the only activities, however, which constitute the formative capacity in the moral and intellectual field of the National Fascist Party. The control of the party over the working of the Fascist Institute of Culture guarantees a Fascist policy in the working of this body. It is the real trustee of the education of the New Italian. The party exercises a decisive influence in the formation of an undivided national conscience. The school and youth movements aim, above all, at the forming of good citizens. In Fascist Italy, the people and the army are one; for every soldier is conscious of his duties as a citizen and every citizen is a soldier in civilian dress.

That a missionary zeal is an essential condition for the success of a scheme is amply borne out by the example of the totalitarian states. It

is claimed by the supporters of Fascism that it is a spiritual creed, demanding unquestioned faith and ardour from its adherents. "If Fascism is not a creed, how could it endow its followers with courage and stoicism." (Mussolini).

BASIC CREED OF WARDHA SCHEME

In our opinion only that system of education can be taken to be acceptable both to Hindus and Muslims which allows complete freedom of thought and freedom to express ideas, freedom to discuss the ideas expressed, freedom to teach the truth as the teacher sees it, and freedom to search for the truth and to proclaim it. Keeping this view, it is necessary that teachers of all classes, religions and political creeds should be employed.

We also want to point out that the distinction between common citizenship and common nationality should not be lost sight of and the system of education should be based on liberal principles where no particular political creed or philosophy is given undue predominance. The principle of non-violence on which the Wardha Scheme is based, has been conceived by the political philosophy of the Muslim nation differently. Non-violence to them is not the absolute and final truth but has been accepted by them as valid under a certain condition. We shall point out in its proper place how emphasis has been laid on the superiority of non-violence.

We are in no way condemning the doctrine of non-violence, but in an education scheme there must be scope for teaching different forms of political doctrines. If from their childhood boys and girls are made to think in terms of the superiority of non-violence, it may produce the same results as the doctrine of superiority of race has done in certain totalitarian states.

To base an education scheme on the creed of a leader of a political party is to import a method of education that finds favour in totalitarian states and is clearly contrary to the sound principles of education. This will involve giving education a religious garb. It will clearly imply the welding of two nations in one synthetic culture by means of a system of primary education and will only facilitate the conversion of the youth to the ideas of the Congress. Unless it is possible for education to be imparted on lines, where there is room for other ideals to flourish, this scheme of education cannot be accepted and the Muslim institutions will have to be separated.

Whatever may be one's opinion regarding the merits or demerits of system of education in totalitarian states, we think that in a country like India, a land of various nationalities, only that system of education can be successful which is calculated to make a person understand the society of which he is a part and to create a great body of skilful people who would be tolerant of other people's views. A system of education which emphasizes the superiority of one political ideal over others will encourage intolerance. We have seen how this sort of education and belief in the superiority of the National Socialist creed has resulted in the imposition of disabilities on the Jews. The fact has to be faced that the Muslims and Hindus are destined to live together in this country and the most suited system of education is that which inculcates in them toleration and mutual respect.

HINDUSTANI

In our view, the Wardha Scheme is definitely calculated to prevent and circumscribe the progress of the Urdu language and the Urdu script; for the scheme contemplates making Hindustani a compulsory subject in order to provide a *lingua franca* for India. But the word Hindustani is extremely misleading. At first it seemed to signify the Urdu language as it is ordinarily spoken in Northern India and was defined as such by certain Congress leaders. But, soon it became clear that by Hindustani, Mr. Gandhi did not mean Urdu but a language which was neither Urdu nor Hindi and which did not exist at present and has yet to be created.

This change in the meaning of the term Hindustani has not been due to individual caprice but is the result of a definite policy initiated by the High Command of the Congress. Thus under the garb of Hindustani and the cover of the ideal of one language for India, it is Hindi that the Wardha Scheme contemplates to impose on Muslims. This is the strongest blow that can be dealt to the Urdu language, and it is a prospect which cannot be looked upon with equanimity by anyone who has the interest of Muslim culture at heart.

The ever-changing definition of Hindustani leads us to the suspicion that with the Urdu language, the repository of Muslim culture, will also go with the Urdu script, because a script is adequate only for the language for which it has been adopted. The Urdu script will soon be found inadequate for the new *lingua franca* of India, and therefore, unnecessary and burdensome. And, secondly, the forces that are

aiming at eliminating the Urdu language will work with additional momentum to eliminate the Urdu script, and with greater chances of success. The time will soon come when it will be generally recognised that the Indian child should be relieved of the burden of having to learn two scripts Urdu and Deonagari—and that the Urdu script, which is not the script of the language of the majority of the country can safely be omitted as an integral part of national education.

In countries peopled by more than one nation speaking different language never has an attempt been made to evolve a new language common to both. The language of the minority has been duly safeguarded by its definite recognition. The Flemish language has only recently been recognised in Belgium. We, therefore, think that the solution of the problem lies in recognising the Urdu language as the mother-tongue of the Muslims of India.

MOTHER-TONGUE

It has been asserted that the present system of education does not meet the requirements of the country in any shape or form. English having been made the medium of instruction in all the higher branches of learning, it has created a permanent gulf between the highly educated few and the uneducated many. It has prevented knowledge from percolating into the masses; the excessive importance given to English has cast upon the educated classes a burden which has maimed them mentally for life and has made them strangers to their own land. As one's Mother-tongue is the foundation of all education, we recommend that in the case of Muslim boys, their mother-tongue, namely Urdu, should be employed.

A book with technical terms and Sanskrit words will not be any the more intelligible to the Muslims because it is written in Persian script.

Special emphasis has been laid on the importance of Hindustani (see page 165) as a national language, and it has been described as the most important product of the cultural contact of Muslims and Hindus (page 29). Some recent utterances of Congress leaders have only tended to cloud the issue. They confirm one in the suspicion that a non-existent language is sought to be forced on India. The advocacy of the more frequent use of Sanskrit by the Minister of Education, U.P. and its acceptance by the Congress High Command so that it may be intelligible to people of all provinces is an example of the attitude of Congress leaders.

We may also state that it is not possible to point out any scientific literature that will conform with the definition of such literature given by certain Congress leaders. The scientific books that exist in the Urdu language at present contain technical terms adopted mostly from Arabic and Persian. It will be educationally wasteful and unsound to replace this rich store of technical terms by forcibly coined Sanskrit technical terms which will be totally unintelligible to the Muslims even if written in Persian script.

The absence of literature in Hindustani will place the students under a great difficulty and after leaving school they will not be able to add to their knowledge by further study. If the state undertakes the production of books in a language which does not exist at present and the source and derivation of the technical terms of which is not known, it will result in impeding the progress of literary production in the existing languages.

PROPAGATION OF PARTY IDEALS

Before making a brief review of the syllabus provided under the Wardha Scheme, we must pursue further the question as to how far the scheme will help the propagation of the political, cultural and social ideas of the Congress and tend to weaken and ultimately obliterate the religious traditions and culture of Indian Muslims.

The scheme lays down a course in geography and civics and in current events, combined with a reverential study of the different religions of the world, trying to show how in essentials they are in perfect harmony. Stress is also laid on the gradual movement towards greater political and cultural unity. The history of great liberators of mankind and their victories is to find a prominent place in the curriculum. Moreover, emphasis is laid on lessons drawn from life, showing the efficacy of non-violence in all its phases. The teaching of the history of national awakening in India and celebrations of national festivals and national weeks are to form a feature of the life of every school.

If training classes are opened to pupils of all political creeds and principles and all religions it may be possible that this course of study may work successfully. The reverential study of different religions of the world would be meaningless if the students are brought to believe in the superiority of non-violence as a creed over all other creeds. The experiment made in totalitarian states for teaching the superiority of one race or of a particular political philosophy has created a spirit of aggressive-

ness in those states and we fear that emphasis on the creed of non-violence to the exclusion of all others would have a similar effect here.

Kaka Sahib Kalikar, speaking at the meeting of the All-India National Education Conference at Wardha said:—

> "I began to take active interest in national education in 1907. In the beginning, I used to think that the aim of national education was to create revolutionaries. Later I found that it was impossible to have such revolutionaries unless there was a strong wave of patriotism throughout the country. The aim of national education, therefore I thought was to create patriots. My experience taught me that true patriotism could not be created without a study of national culture. Thus, the idea of national education became wider and deeper."

Mr. K. G. Mashoorwala, writing in the *Harijan* of April 20, 1937, remarked:—

> "The school will be the centre for the radiation of culture to the surrounding society. The principle underlying the system has been described as the application of the law of non-violence in the training of children as prospective citizens of the world."

Here we may note that education in citizenship on the basis of the political creed of the party is one of the chief features of the Fascist system of education. Under the Wardha Scheme also the conception of citizenship is correlated with the doctrine of non-violence.

SYLLABUS DETAILED—THE HISORY OF ISLAM IN INDIA

The whole subject is treated as follows:—

1. *The Development of Indo-Muslim Culture:*—Such heroes have been chosen as give a particular colour to history.

2. Amir Khusroo, Kabir, Guru Nanak, Akbar, Dara Shikoh, have been chosen. This, in our opinion, will give only a one-sided view of the Muslim History, whereas Hindu heroes like Harsha, Prithvi Raj, Sivaji, Ranjit Singh, and others find a prominent place. Those persons who attempted to propound a new religion out of Hinduism and Islam have been presented as Muslim saints and sages, while those with purely Islamic outlook have been totally ignored.

Further, the whole of Muslim History, which is full of achievements and worldwide upheavals has been broken up into very insignificant and unimportant portions. A very large number of Muslim heroes, with unparalleled achievement in various spheres of life, have been left out.

Whereas the teaching of Satyagraha as a world force will form an important part of the syllabus. For the sake of comparison, we give a corresponding Fascist view of the universality of their creed:

> "To-day I hold that Fascism is an idea, a doctrine, a realisation, is universal; it is Italian in its particular institutions, but it is universal in the spirit, nor could it be otherwise. The spirit is universal by reason of its nature." (*The Doctrine of Fascism*, by Benito Mussolini).

RELIGIOUS EDUCATION AND WARDHA SCHEME

While the Wardha Scheme claims to exclude the religious instructions of different Indian Communities, it really aims at supplanting all other religions by a new religion, Gandhism. The Muslims take strongest exception to this and wish to emphasize that the most outstanding fact in the history of Muslim education in India is that the Muslims have all along insisted on the teaching of Islam as one of the most essential ingredients of the education of a Muslim boy. Even the Government of India had to concede to this demand and a number of schemes for separate Muslim institutions have already got the support of certain provincial Governments.

Reverting to the syllabus of the Wardha Scheme, one finds in it an attempt to inculcate in the mind of the student the idea that "all religions meet in their essentials in perfect harmony". This is obviously an incorrect and misleading point of view. There are many essentials of Islam which are exclusively Islamic and which cannot be harmonised with the teaching of other religions.

THE BASIC SCHOOLS

The Basic Schools are already being started under the Wardha Scheme. The scheme aims at creating an atmosphere in which all social subjects, specially civics, will be taught. A glance at the distribution of teaching work in the school shows that more than two-thirds of the time will be devoted to practical work. Apart from this, the practical training in civics also covers a large part of the child's time outside the school. In short in Mr. Gandhi's own words, the schools are to teach more than the books and teachers. The schools, therefore, require more serious attention and can inflict much greater harm than the entire syllabus.

In the practical training in civics the main stress has been laid on territorial allegiance. In the early stages village is presented as the only source of inspiration and the whole concern of the child. Later on comes the town and finally India claims the child's entire allegiance. The scheme specifically subordinates religion to the "love of motherland, reverence for its past and a belief in its future destiny".

Besides this, the celebration of seasonal Hindu holidays, music and dances occupy an important place in this training. These being in conflict with Islamic life are bound to lead to trouble. The suggestion in the syllabus that the Muslims suffer from social disabilities like the *Harijans*, is calculated to create an *inferiority complex* in them.

SYLLABUS

This syllabus can be discussed adequately by dividing it into three parts, *viz.*—1. the syllabus of Grade I, which intends to introduce the child to his immediate environment as well as to the remotest past; 2. the syllabus of Grades II to VI, which specially provides for the teaching of history. It aims at leading the child to the realisation of his heritage to enable him to build up his future; 3. Finally, the syllabus for Grade VII which ushers the child into the world of to-day. The object of this part of the syllabus is to introduce the child to the various movements and forces at work in India and other countries, and to enrol his sympathies and enthusiasm for such of them as are, according to the notions of the framers of the Wardha Scheme, forces for the good.

Taking the syllabus for social studies along with that of language for Grade I, we find that its treatment is purely materialistic. The stories of the primitive man in social studies and the fables and stories included in the syllabus of languages all invariably lead to the same conclusion and are completely devoid of any suggestion that the evolution of human society has a spiritual background.

In the second part of the syllabus, which deals with History, the first three years are devoted to the teaching of Hindu history, alongwith fragments of the history of ancient races, *e.g.*, Romans, Greeks, Hebrew, Persians, Chinese etc. After four years' study of the history of other peoples, the Muslim child is introduced to portions of Islamic history and this will be taught for one year only, namely, in Grade V. The syllabus of Muslim history can be divided into two parts namely that which deals with the history of Islam in India and that which is concerned with the history of Islam outside India.

The whole syllabus of Muslim history, in letter and spirit, undermines the real nature of it. It ignores the fact that—(1) Islam has all along been a world-wide movement; (2) it brought about a revolution in the social, cultural, and political concepts of mankind. and (3) for over one thousand years it remained the dominant force in the world and carried everything before it.

The third part of the syllabus for social studies is devoted to the current problems of India and of the world. The main topics of which are stated below:—

1. *Indian National Movement*:—It deals with the history of the Indian National Congress and is intended to enlist the support of the coming generations of Muslims for the Congress by exploiting the receptive mind of young Muslim children. It also belittles the ideals and ignores the achievements of Muslim leaders.

2. *Socialism*:—The teaching of Socialism as a world force against the tyrannies of capitalism and imperialism is a propagandistic move. In spite of its being an avowedly atheistic creed, with a background of anti-religious campaigns, it is being presented as the liberator of humanity. It leaves out of consideration the study of Islamic socialism.

MUSLIM EDUCATION

Under the present system while there are some denominational institutions; in all Government institutions the Hindu, Muslim and Christian children are educated together. As long as impartiality is observed in the educational system truly secular common institutions serve a useful purpose. However, in case the system of education is based on the political creed of a party, in order to produce citizens of a corporate according to the notions of the Congress, which is predominantly a Hindu body the Muslims in this case from instinctive reaction will have to demand a separate educational system for their own nationals. It is contrary to the true educational spirit to give education provided by the state a religious setting which does not command general allegiance. Those who want to impose a particular culture and propagate a special political creed are really responsible for this tendency.

FINANCE

It is also worth mentioning that there are a number of *auqaf* (endowments) which are specially dedicated for the education and national

welfare of Muslims. It is high time that all such scattered resources should be brought together for the building up of the nation's future.

The following suggestions are offered below:—

1. A committee of members of legislature be formed to secure from the various governments the due share of funds for Muslim education.

2. The Muslim Waqfs may be another possible source of Income.

3. Public opinion must be created amongst the Muslims to help their institutions, local or central.

An educational fund should be raised in every province.

The Muslims, therefore, in India or in any other country form a nationality of their own. with their own view point on all aspects of life, and can own no allegiance to soil, blood or colour.

An educational scheme, therefore, to safeguard language, religion and culture should be calculated to impart to the coming generations of the Indian Mussalmans a true conception of Islam and its spirit, and to prepare them for the part they ought to play in strengthening their national solidarity in India and in achieving its independence from foreign domination.

It must also equip them with the knowledge of science and of other useful subjects in order to increase their capacity for thought and action and should create in them a widespread and living interest for technical and applied education by (*a*) appealing to the well-to-do people; (*b*) appeals to the public in general for contributions; for example a pice per rupee from the income of every earning Muslim.

CONTROL, GUIDANCE AND SUPERVISION

The Congress Governments are introducing a scheme of education based on their conceptions and want to bring about a change in the mode of life of the people. It is only natural for a minority to demand the control of the education of its own nationals.

The control of the education of a people, placed in circumstances as the Indian Muslims are, should be essentially and exclusively in their own hands. It is an invariable corollary to their being politically and socially a distinct entity.

In the present times, when there is a great political and social upheaval in India and innumerable conflicting ideologies are being propagated everywhere the younger generations of Muslims in India need special protection against any destructive intervention in their healthy intellectual and social growth along the Islamic lines. Moreover, it

should be clearly understood that Muslim education should be designed and guided in view of the needs of the Muslim nation in India as a whole, though it exists in majority in some parts of India and is placed in the position of a minority in others. The task before the Muslim nation is to see the healthy growth of the national ideals amongst the Muslims inhabiting the different parts of this vast subcontinent. It is, therefore, necessary that:—

1. The Muslims must have complete control over their education as regards—(*a*) policy; (*b*) finance; (*c*) curriculum; (*d*) institutions, and (*e*) supervision.

2. An organisation, which would guide the destiny of Muslims in India, must take the entire charge of Muslim education.

3. Muslim education, language and culture being All-India problems, should be tackled in co-ordination by centres and the provinces.

In the light of the above principles the following practical suggestions are made:—

1. The Muslim Organisation must institute a permanent Central Education Advisory Board to assist it.

2. In all provinces and in the central legislature one or more Muslim members should be charged with the responsibility of Muslim education.

3. There should be a Muslim Education Board in every province for—(*a*) protecting Muslim institutions from destructive internal and external influences; (*b*) supervising the working of the Muslim Institutions, and (*c*) guiding Muslim Education along the desired lines.

4. The Central and Provincial Educational Boards must be given authority in the matter of finance and supervision to such an extent as might be compatible with the successful running of the whole system.

5. The Muslim Institutions must be inspected by Muslim Staff specially engaged for the purpose. The educational and cultural activities of Congress Governments should be watched carefully.

66

ALL-INDIA MUSLIM LEAGUE WORKING COMMITTEE RESOLUTION ON THE WARDHA SCHEME OF EDUCATION : BOMBAY : 2-3 JULY 1939

Apart from its origin, conception and communal aspects, there are fundamental objections to the Wardha Scheme of Basic Education, and the Working Committee disapproves the Wardha Scheme and the text books which have been prepared in this connection on the following grounds, among others :—

(1) The Scheme is calculated to destroy Muslim culture gradually but surely and to secure the domination of Hindu culture.

(2) It imposes the Congress ideology and aims at inculcating, among others, the doctrine of *ahimsa*.

(3) Its objective is to infuse the political creed, policy and programme of one party, namely, the Congress, into the minds of the children.

(4) It has neglected the question of providing facilities for religious education.

(5) Under the guise of the name Hindustani the scheme is meant to spread what is highly Sanskritised Hindi and to suppress Urdu which is really the lingua franca of India at present.

(6) The text books prescribed, and provisionally sanctioned by some Provincial Governments, are highly objectionable from the Muslim point of view in that they are not only offensive to the feelings and sentiments of the Muslims, but they are mainly devoted to the praises of Hindu religion, philosophy and heroes, and minimise the Islamic contribution to the world, and India in particular, ignore Muslim culture, history and heroes, and speak of them with scant courtesy.

Source : *Resolutions of the All India Muslim League from December 1938 to March 1940,* published by Liaquat Ali Khan, Honorary Secretary, All India Muslim League, Delhi, n. d., pp. 14-15, Resolution no. 16.

70

M. A. JINNAH'S STATEMENT ON A CONGRESS INQUIRY INTO CONGRESS ATROCITIES: 27 OCTOBER, 1939

What can one think of the responsible leaders of the Congress, including Mr. Gandhi? Mr. Gandhi, in his article in the *Harijan*, dated October 21, starts by stating that in my reply to the Congress President, Babu Rajendra Prasad's, letter which offered to refer the Congress-League question to an arbitration tribunal, I said that I had already placed the whole case before His Excellency the Viceroy and Governor General.

Mr. Gandhi said, "It is unfortunate that he has rejected Rajendra Babu's proposal. Is it a rejection of the proffered hand of friendship?" I ask any intelligent man to judge for himself whether it was an offer to refer the Congress-League question to an arbitration. In some other quarters it is said that the hand of friendship which was offered in that letter had been rejected.

Let us examine the whole position. Mr. Rajendra Prasad in his letter said that he would get the Congress Working Committee pass a resolution to appoint Sir Maurice Gwyer or some other persons to investigate only any specific charges which we formulate against the ministries of the Congress-government provinces. The first question arises as to what is the authority of the Working Committee, legal or constitutional; our allegations are against the Ministries of certain provinces which are responsible to their legislatures and to the electorates of their respective provinces. It is true that the Congress Working Committee is a Fascist Grand Council and the Congress Ministries have been reduced to a position of being merely their creatures. But we cannot acquiesce in that position. The party accused are not only the Ministries but also the

Source: *Civil and Military Gazette*, Lahore, 29 October, 1939.

Congress Working Committee, whose ukase is carried out by the ministries. Now let us see how the President of the Congress begins his offer. He starts by saying that our allegations and charges are without any foundation whatsoever. So the accused has already passed his judgment and given his decision. But after that he proceeds that he will get the Congress Working Committee to pass a resolution to appoint an impartial and independent tribunal if we specify our charges. So they have already decided their terms of reference and the scope and authority of the tribunal. Then again what power can they confer upon the tribunal to summon witnesses, take evidence on oath and call for the production of documents that might be required? Furthermore, to whom would this independent and impartial tribunal make its report for any action to be taken in the light of its findings? I suppose to the Congress Working Committee, the accused. Who will be the judge finally as to what action, if any, was to be taken against the Ministries concerned? It is a mentality which has gone beyond any sense of responsibility. The whole thing would be a travesty of justice.

Congress Working Committee, whose whole is carried out by the ministers. Now let us see how the President of the Congress begins his offer. He starts by saying that our allegations and charges are without any foundation whatsoever. So the accused has already passed his judgment and given his decision. But after that he pretends that he will get the Congress Working Committee to pass a resolution to appoint an impartial and independent tribunal if we specify our charges. So they have already decided their terms of reference and the scope and authority of the tribunal. Then again what power can they confer upon the tribunal to summon witnesses, take evidence on oath and call for the production of documents? [illegible] or, to put it plainly, [illegible] would the independent and impartial tribunal [illegible] for any action to be taken in the light of its findings? I suppose to the Congress Working Committee, the accused, who will decide judicially as to what action, if any, was to be taken against the Ministries concerned? It is a [illegible] which has [illegible] not [illegible] any sense of responsibility. The whole thing would be a travesty of justice.

PART VII

Congress-Muslim Correspondence

71

M. A. JINNAH—M. K. GANDHI CORRESPONDENCE OCTOBER 1937—APRIL 1938

M. K. Gandhi to M. A. Jinnah, Wardha, 19 October, 1937

I carefully went through your speech at Lucknow and I felt deeply hurt over your misunderstanding of my attitude. My letter was in answer to the specially private message you sent me. It represented my deepest feeling The letter was purely personal. Were you right in using it as you did? Of course as I read it, the whole of your speech is a declaration of war. Only I hoped you would reserve poor me as a bridge between the two. I see you want no bridge. I am sorry. Only it takes two to make a quarrel. You won't find me one even if I cannot become a peacemaker. This is not for publication unless you desire it. It is written in all good faith and out of an anguished heart.

M. A. Jinnah to M. K. Gandhi, Bombay, 5 November, 1937

I received your letter of October 19, 1937, on my arrival here. As regards publishing your letter from Teethal last May, I am of opinion that I am fully justified in doing so; but your letter means something different from what I understand it to mean. Surely it was open to you to offer your explanation to the public. The letter was not marked as it is usual to do so when its publication was not desired by the writer, and my message to you was not private. Even now you don't indicate how I misunderstood your attitude or the contents of that letter. You merely say, 'I felt deeply hurt over your misunderstand-

Source: Durlab Singh (ed.), *A Complete Record of Unity Talks* [between Jinnah and Congress Leaders], The Hero Publications, Lahore, n.d. (?1945), Part I, pp. 20-32.

ing of my attitude'. I am sorry you think my speech at Lucknow is a declaration of war. It is purely in self defence. Kindly read it again and try and understand it. Evidently you have not been following the course of events in the last twelve months. As to reserving you as a 'bridge' and 'peace maker', don't you think your complete silence for all these months identified you with the Congress leadership, although I know you are not even a four anna member of that body. In conclusion, I regret to say I find nothing definite or any constructive proposal in your letter under reply except it is written in all good faith and out of an anguished heart, which I reciprocate.

M. K. Gandhi to M. A. Jinnah, Wardha, 3 February, 1938

Pandit Nehru told me yesterday that you were complaining to Maulana Sahib about the absence of any reply from me to your letter of 5th November in reply to mine of the 19th October. The letter was received by me when I was pronounced by the doctors to be seriously ill at Calcutta. The letter was shown to me three days after its receipt. Had I thought it necessarily called for a reply even though I was ill I would have sent one I re-read the letter and I still think there was nothing useful that I could have said in reply. But in a way I am glad you awaited a reply and here it is Mr. Kher told me definitely he had a private message from you. He delivered it to me when I was alone. I could have sent you a verbal message in reply but in order to give you a true picture of my mental state I sent you a short note. There was nothing to hide in it But I did feel, as I still do, that the way in which you used it came upon me as a painful surprise.

You complain of my silence. The reason for my silence is literally and truly in my note. Believe me, the moment I can do something that can bring the two communities together nothing in the world can prevent me from so doing. You seem to deny that your speech was a declaration of war, but your later pronouncements too confirmed my first impression. How can I prove what is a matter of feeling? In your speech I miss the old nationalist when in 1915 I returned from my self-imposed exile in South Africa Everybody spoke of you as one of the staunchest nationalists and the hope of both the Hindus and Musalmans. Are you still the same Mr. Jinnah? If you say you are, in spite of your speeches, I shall accept your word.

Lastly you want me to come forward with some proposal What proposal can I make except to ask you on bended kness to be what I

thought you were? But the proposals to form the basis of unity between the two communities surely have got to come from you.

This again is not for publication but for your eyes. It is the one of a friend not of an opponent.

M. A. Jinnah to M. K. Gandhi, New Delhi, 15 February, 1938

I have received your letter of 3rd February, which was redirected here. I did not complain to Maulana Sahib about the absence of any reply from you. I only mentioned the fact as he was anxious that we two should meet anyhow. I am glad to hear from you. My message to you through Mr. Kher, as I informed you in my last letter, was not private. It was only when Mr. Kher went to see you at Wardha that I did say he should not mention the matter to any one except you and that if you yourself were inclined in the first instance to take up the matter, it will be more than half of the battle won. On his return to Bombay, Mr. Kher told me it was difficult for you to give a reply as you were restricted not to disclose it to any one or consult anybody else. Thereupon I said it was not intended to be a secret and that he was free and you were free to put your heads together and let me know, whether, at that juncture you were inclined to take up this matter with your powerful, overwhelming influence which you exercise over the Congress. Then he saw you again at Teethal and from that moment it ceased to be a private matter between two individuals, and he brought me your reply in writing which I had to publish because you know of the controversy between me and Mr. Rajendra Prasad and Pandit Nehru in the Press, where it was sought to make out that I was putting every obstacle in the way of a Hindu-Muslim settlement. As your letter was not marked confidential, I used it. Besides, what is wrong in my saying that I approached you on my own accord and that was the reply I received from you? I cannot understand why you feel so much about it. You say I complained about your silence. Well, I do, but you further proceed to say, "Believe me, the moment I can do something that can bring the two communities together nothing in the world can prevent me from so doing?" Now, what am I to gather from this? Am I right in interpreting that the moment is not come?

With regard to your opinion on my speech at the Lucknow session and my later pronouncements which you are pleased to call a declaration of war, I can only repeat this was in self defence. Evidently you are not acquainted with what is going on in the Congress press,

the amount of vilification and misrepresentation and falsehood that is daily spread about me. Otherwise, I am sure you would not blame me.

With regard to your saying that when in 1915 you returned from South Africa every body spoke of me as one of the staunchest of nationalists and the hope of both the Hindus and the Musalmans and you ask me the question "Are you still the same Mr. Jinnah?" and proceed further to say "If you say you are, in spite of your speeches, I shall accept your word." And you say in my speeches you miss the nationalist. Do you think you are justified in saying that?" I would not like to say what people spoke of you in 1915 and what they speak and think of you to-day. Nationalism is not the monopoly of any single individual. In these days it is very difficult to define it, but I do not wish to pursue this line of controversy any further.

You conclude by saying "Lastly, you want me to come forward with some proposal. What proposal can I make except to ask you on bended knees to be what I thought you were? But the proposal to form the basis of unity between the two communities have surely got to come from you". I think you might have spared your appeal and need not have preached to me on your bended knees to be what you thought I was As regards the formation of proposals which would form the basis of unity, do you think this can be done by correspondence? Surely, you know as much as I do, what are the fundamental points in dispute. In my opinion it is as much up to you to suggest ways and means of tackling the problem. If you genuinely and sincerely desire and you feel the moment has come for you to step in with your position and influence you are prepared to take the matter up earnestly, I will not fail to render all assistance I can.

M. K. Gandhi to M. A. Jinnah, Wardha, 24 February, 1938

I thank you for your letter. I have read your letter to Jawaharlal also. I observe both the letters invite not written replies but personal discussion. I do not know whether it will take place in the first instance between you and Jawaharlal or, now that Subhas Bose succeeds, between you and the latter. If you desire before this there should be a talk between you and me, I would be delighted to see you in Sheogaon any time which is convenient to you before 10th March after which, if health permits, I might have to go to Bengal. So far as I am concerned, just as on the Hindu-Muslim question I was guided by Dr. Ansari, now that he is no more in our midst, I have

accepted Maulana Abul Kalam Azad as my guide. My suggestion therefore to you is that conversations should be opened in the first instance between you and Maulana Sahib. But in every case, regard me at your disposal.

M. A. Jinnah to M. K. Gandhi, New Delhi, 3 March, 1938

I have received your letter dated 24th February. I am sorry for the delay in replying as I was not well. In your letter I missed a note of response, whether you are of the opinion that you see the light now and the moment had come, and secondly, if so, whether you are prepared to take the matter up in right earnest, and thirdly, I find there is no change in your attitude and mentality when you say, you would be guided by Maulana as Dr. Ansari is no more. If you pursue this line, you would be repeating the same tragedy as you did when you expressed your helplessness because Dr. Ansari, holding pronouncedly die-hard views, did not agree and you had to say that although you were willing but what could you do. This happened, as you know, before you went to the Round Table Conference. At the Round Table Conference the tragedy was repeated by you when you seemed to be willing to accept provisionally certain terms but you there also expressed that you were helpless as Hindus were unwilling and you, as representative of the Congress, would have no objection if Hindus and Musalmans come to an agreement.

We have reached a stage when no doubt should be left. You recognise the All India Muslim League as the one authoritative and representative organisation of Musalmans in India, and, on the other hand you represent the Congress and other Hindus throughout the country. It is only on that basis we can proceed further and further and devise a machinery of approach. Of course, I shall be glad to see you although I shall equally be glad to see Pandit Jawaharlal or Mr. Bose as you may desire. The matter as you know will not be clinched without reference again to you by either of them. Therefore, I will prefer to see you first. In any case, I am sorry to say I cannot come to Sheogaon to see you before 10th March. I have to go to Bombay and also I have fixed various other engagements of my tour, but we can fix up a time and place that may suit us both.

M. K. Gandhi to M. A. Jinnah, Sheogaon-Wardha, 8 March, 1938

I thank you for your letter. I hope you have completely got over your indisposition. Your letter revives painful memories. I shall not

discuss, at this stage at any rate, the various debatable points raised in your letter. Suffice it to say that I am at your disposal. If you cannot come Sheogaon, and my health should permit, I will gladly go to Bombay to meet you when you are there. At present I have to go to Bengal and then for a while to Orissa. This will take me through the whole of this month. The earliest, therefore, we can meet will be in April.

Two questions arising from your letter demand a reply. You ask me whether I have now seen light. Much to my regret I have to say "no". If I had, I would proclaim the news from the house tops. But that limitation does not debar me of taking advantage of the slightest opportunity of finding a way out of the possible difficulty. You expect me to be able to speak on behalf of the "Congress and other Hindus throughout the country". I am afraid I cannot fulfil the test. I cannot represent either the Congress or the Hindus in the sense you mean, but I would exert to the utmost all the moral influence I could have with them in order to secure an honourable settlement.

M. A. Jinnah to M. K. Gandhi, New Delhi, 17 March, 1938

I am in receipt of your letter of March 8 and I thank you for it. As you do not wish to discuss the various points mentioned in my letter and the two questions you have answered are far from hopeful, I am helpless. However, as you say, "Suffice it to say I am at your disposal". I gather you would nevertheless like to take advantage of the slightest opportunity of finding a way out of the present difficulty. In these circumstances I beg to inform you that I shall be glad to see you at Bombay some time in April as suggested by you.

M. K. Gandhi to M. A. Jinnah, Calcutta, 24 March, 1938

Many thanks for your note. As soon as I reach Sheogaon I shall seek the first opportunity of waiting on you at Bombay.

M. A. Jinnah to M. K. Gandhi, New Delhi, 26 March, 1938

I thank you for your letter of the 24th and I shall have to see you after my return from Calcutta about the 25th of April at Bombay.

M. K. Gandhi to M. A. Jinnah, Delhi, 15 April, 1938 (Telegram)

If on return Bombay you can break journey Wardha for one day you will spare me strain undertaking journey Bombay. I need some uninterrupted physical rest if possible. Any event could Maulana Azad

accompany me interview. Please wire Wardha while reaching tomorrow.

M. A. Jinnah to M. K. Gandhi, Calcutta, 16 April, 1938 (Telegram)

Extremely sorry unable change programme now. Will receive you Bombay 25th or thereafter as arranged. Would prefer see you alone.

M. K. Gandhi to M. A. Jinnah, Wardha, 18 April, 1938 (Telegram)

Thanks. 25th happens Monday will reach Bombay 28th if not inconvenient.

M. A. Jinnah to M. K. Gandhi, Calcutta, 19 April, 1938 (Telegram)

Thanks. Will gladly receive you 28th my house. Wire time care Ispahani Calcutta.

M. K. Gandhi to M. A. Jinnah, Wardha, 20 April, 1938 (Telegram)

If not inconvenient would like reach your house eleven thirty a.m.

72

NAWAB MUHAMMAD ISMAIL KHAN—JAWAHARLAL NEHRU CORRESPONDENCE NOVEMBER 1937—APRIL 1938

J. L. Nehru to Ismail Khan, Allahabad, 10 November, 1937

I am taking the liberty of writing to you as I am greatly distressed at the turn events have taken. The kind of things that are being said and written are likely to accentuate communal feelings very greatly and lead inevitably to great bitterness and possibly trouble. I am sure you want to avoid this as much as I do. During election contests exaggerated statements are often made which normally one would hesitate to say. Even so it has been my desire to prevent any such exaggeration from disfiguring our work and whenever my attention has been drawn to it, I have taken some action in the matter.

During the Bundelkhand election and even more so during the Bijnor election much was said on behalf of the Muslim League which astonished and distressed me. Still I thought that the fever of election held people and that this would pass. But I find that this continues and the violence of the speeches and writings is not only not conducive to clear thought, but can only lead to violence in action.

I do not quite know what our differences are in politics. I had imagined that they were not great. But, whatever they might be, I am sure you will agree with me that it is highly desirable for all of us to keep to a certain standard in our public work and to avoid appeals to passion and bigotry. Only thus can public life grow and a question be discussed dispassionately.

I presume that you think that the Congress has acted wrongly

Source : *The Civil and Military Gazette*, Lahore, 3 July, 1938.

or is pursuing wrong ideals. You are perfectly entitled to think so and to say so. We are a political party and criticism is always good and helps in keeping an individual and a party up to the mark. I wish, however, that the criticism was specific and political. This would help us and the public in understand ng it and perhaps in meeting it to some extent. I would be grateful to you if you could let me have this helpful criticism. What are the specific policies and programmes or principles of the Congress with which you do not agree? You will remember that you and Khaliq-uz-Zaman told us that you agreed with the Wardha programme of the Congress. That is a pretty comprehensive programme which includes almost everything that we stand for. Then there is the Fundamental Rights resolution of the Congress and our declarations on the Communal Award. In Calcutta recently some of these previous resolutions relating to minority rights were assembled together in one comprehensive resolution which you no doubt have seen. These resolutions cover religious matters, culture, language, script, etc.

On the language and script question I wrote a pamphlet giving the Congress view-point. This had a very favourable reception all round and there was general agreement with its conclusions. I do not know if you have seen it. In any event I am sending a copy to you.

I think it would be definitely helpful to all concerned if we could define our points of agreement, and points of difference. That would be fair to the public also, and we could then discuss or debate the points of difference. When you asked me to go to Lucknow to discuss with you the Constituent Assembly resolution, I gladly went although it involved upsetting my programme. We failed to agree about the wording of that resolution but our discussion clarified matters and showed that there was no great fundamental difference.

The principal object of my writing to you, however, is to draw your attention to the fantastic statements that have been and are being made by many people on behalf of the Muslim League. I cannot imagine that you agree with them and yet these statements go uncontradicted. And not only statements but acts which are not condemned. For instance, after the Bijnor election a volunteer on behalf of the Muslim League stabbed one of our respected workers in the train. The volunteer might have got excited and I have no particular grievance against him, but the fact that this incidence did not draw any condemnation from the leaders of the Muslim League surprised

and distressed me.

Other kinds of violence have also been indulged in and, to my knowledge, incitements to violence have been, and are, frequent. The encouragement of this type of speech and activity can only lead to deplorable results.

The greatest stress has been laid during the Bijnor election campaign and subsequently on the fact that Islam is in danger and that the Congress is out to destroy Islam. Has this, or can it have, an atom of truth in it? Is it a fair statement even at election time? I would beg of you to consider this, for it hurts me to see such remarks made by responsible persons and responsible organisations. We are a political organisation working for political ends, which, of necessity, must be alike for Hindu and Muslim as well as other religious communities. We have declared in the most unequivocal terms that full religious and cultural freedom is guaranteed to every one and every group. Even if we had not so declared, is it conceivable by the widest stretch of imagination that Islam can be suppressed by the Hindus in India or vice versa?

I enclose for your consideration extracts from notices and posters issued on behalf of the Muslim League during the Bijnor election and would beg you to consider if they are fair and legitimate statements.

It has been stated repeatedly that my statement that the Congress has nothing to do with religion implies active opposition to Islamic beliefs. It has further been declared that Congress Muslims are active atheists. Are either of these statements true?

In a manifesto issued by the Joint Secretary of the U. P. Muslim League Parliamentary Board during the Bijnor election, it was stated that the Congress had decided to suppress, to dominate over, and finally to cripple the Muslims so that they might never rise again. It was further added that the Congress was determined to bring about such a transformation in the religious outlook of the Muslims that instead of prostrating themselves before Allah, they should do so before Gandhi and Jawahar Lal like the Hindus. The fantastic nature of these statements would lead one to attach little importance to them, but when they are made on behalf of a responsible organisation, one cannot dismiss them lightly.

In the course of speeches on behalf of the Muslim League candidate of Bijnor emphasis was laid on the following:

1. The Congress wanted to suppress and eliminate Urdu.

2. The Congress would stop "tazias".
3. The Congress would stop cow killing.
4. The Congress would force people to wear "dhoties" instead of "pyjamas".
5. The Congress bribed Ulemas [*sic*].

These you will agree with me are extraordinary and fantastic charges. The charge of bribing our respected colleagues of the Jamiat-ul-Ulema is so patently absurd that it is almost ludicrous. It was said to be supported by a letter which I wrote to Rafi Ahmad Kidwai at the time of the Bundelkhand election. I sent this letter to the press some time back. I also sent a copy direct to Mr. Jinnah. Probably you have seen it. Do you think there is anything the least bit improper in it?

I have been accused in a number of newspapers supporting the Muslim League, of having snatched away and torn off every flag bearing Allah-o-Akbar in Najibabad. This is a complete lie without the shadow of a foundation. I have no recollection of even seeing such a flag in Najibabad. As you know I move about in large crowds and anything that I do can be seen by thousands of persons.

It has been stated by Maulana Shaukat Ali that the peasant voters in Bijnor were threatened by Tehsildars, Patwaris, Mahajans and landlords and thus induced to vote for the Congress candidate. Further they were harassed at the polling stations if they came to support the Muslim League. I am not aware of any such incidents but if you can draw my attention to any I shall certainly inquire.

Dr. K. M. Ashraf has been made a special target and all manner of false statements have been attributed to him. It has been stated that he declared at the Ahrar Conference that unlike the Russians, Mussolini and Hitler, we shall destroy every relic of religion and kill every religious person. It passes one's belief how such astounding lies can be given currency.

Information reaches us from our local committees that groups of workers for the Muslim League go about from village to village shouting offensive slogans such as "Congress Murdabad", "Gandhi Murdabad", and "Hindu kafir hain unko marne se ham bahisht jawenge" ["Hindus are infidels; by killing them we will enter paradise"]. Written complaints to this effect have reached Congress offices. I need not add that the villagers greatly resent this kind of thing and there might have been trouble if our people had not restrained them.

The wide-spread repetition of such falsehoods, the deliberate spread of religious fanaticism, and the open incitements to violence must excite and anger many persons and degrade our public life. I have referred above only to statements made by responsible members of the Muslim League and to writings in well-known newspapers supporting the League. My list would be interminable if I referred to the filthy abuse of many irresponsible persons. The growth of this spirit of violence is evident: Maulvi Naseer was attacked in the train after the Bijnor election, Mr. Abdul Hakim shouted down at a meeting at Basti, Maulana Ahmad Said driven away from a public meeting in Madras, Sir Wazir Hasan in Delhi. I was in Cawnpore recently and many instances were reported to me.

Saddest of all perhaps has been the recent episode in Aligarh University. One can put up with much in the market place, but we have a right to expect a higher cultural level and some restraint in a University. And yet we had passion and violence there also. You are intimately connected with Aligarh and have no doubt looked up to it with pride. Does it not pain you to learn that many of the students of Aligarh, influenced by a speech delivered by Maulana Zafar Ali Khan, and apparently incited by their Vice-Chancellor, should behave in this manner?

I do not want to exaggerate what is happening and I am sure it will tone down and be controlled. But what I worry about is the encouragement of and acquiescence in these deplorable events by responsible public men. Can we have any public life, or any life if this is the background in which we function? With what self-respect can we look into each other's eyes, or into the eyes of the foreigner, if we forget the elementary courtesies and decencies of life? You and I and many of us have been entangled in public affairs for a long stretch of years and we have seen many ups and downs. We have, I hope, a measure of respect for each other. We came to politics not to find a profession, for we could have done well otherwise also. We came because we wanted to work for an objective we had at heart. We tried to live up to certain ideals, and even when sorrow and difficulty encompassed us, the thought of that objective and those ideals kept us going. It has not been the politician's game of electioneering that has kept us to the mark. Elections come and go; we win or lose. But there are other things in life which have attracted us and given us strength even when disaster seemed to threaten us. But if those things go, life

itself would lose its flavour, and public affairs would become a curse and an abomination.

I have written to you at great length and told you what I had in my heart. You will forgive me. I am distressed at the shaping of events and I want, with your help, to stop this rot.

One thing more, if you have any grievance or complaint against the Congress or its methods during the election or at any other time, I hope you will not hesitate to let me know, even as I have written to you frankly. We are a large organisation and things may be done on our behalf which are undesirable. We try to stop them whenever we can get hold of them.

Ismail Khan to J. L. Nehru, Meerut, 30 November, 1937

Pray accept my profuse apologies for the inordinate delay that has occurred in replying to your letter of November the 11th, which I received under a registered cover, some days after I had written to request you to furnish me with a copy of it.

I believe that delay in its receipt was due to the fact that it had been following me about from place to place.

I am sensible of the courtesy which has prompted you to write this letter and give me the benefit of your considered views on the present situation in the country, specially with reference to the accentuation of communal bitterness. While I fully appreciate your concern at the unfortunate turn events have taken and share your distress at the exacerbation of communal feelings and religious antagonism, yet I cannot endorse your wholesale condemnation of the Muslim League spokesmen, or accept the accuracy of the reports on which your information on this point is based. I cannot help thinking, if you will forgive me for saying so, that you have been rather hasty in arriving at conclusions on the basis of information supplied to you from interested quarters and that you have not properly shifted or scrutinised the evidence in support of the rather serious allegations which have been made against our workers. Some of these indeed are most fantastic and have caused me considerable amazement, for I assure you, I was not aware that such statements were being broadcasted [*sic.*] by our authorised workers. Of course our organisation cannot be responsible for the speeches and statements of those who have nothing whatever to do with our organisation. Would you kindly tell me where and by whom these statements are supposed to have been made? During elections many persons who have no connection with the League, but are interested in its candidate also

go about preaching for which the League cannot be held responsible.

You are perfectly right when you say that we should conform to a certain standard in our public work and should not unnecessarily arouse religious passions and animosities, but I make bold to say that this advice is as much needed by the Maulvis and propagandists employed by the Congress to popularise its policy and programme among the Muslim masses as by the Leaguers. I wonder whether the speeches delivered by the Ahrar leaders who are to-day espousing the Congress cause have been reported to you. I also do not quite know whether you ever read vernacular papers in which they are often reproduced. If you have not done so, I cannot possibly describe here the filthy abuses of the Muslim League and its leaders in which these heroic gentlemen indulge Suffice it to say that their speeches often verge on obscenity and vulgarity; yet they are received everywhere by Congressmen with acclamation and they are commissioned by Congress Committees to please the cause of their candidates in every election.

I am afraid that your workers purposely refrain from furnishing you with information which would not be to their credit. It is not my intention to enumerate here our grievances against those who have been working or speaking on behalf of the Congress, nor do I propose to refer at any length to the anti-Muslim League propaganda which has been carried on for several months past by the so-called nationalist Press, both English and Vernacular. I shall, however, draw your attention to a drama published in a paper called "Hindustan" of which the Hon. the Premier of the U.P. is supposed to be a Director. I should like to know what you think of it after you have read it. Then again, please, read the speech delivered at the Punjab Political Conference by no less a person than Sardar Sardool Singh Caveeshar in which he does not spare even the private life and religious beliefs of Mr. Jinnah. If responsible people can talk in this manner, why should it cause you any surprise if ordinary speakers do not conform to any very high standard in their criticism?

I am sure that you must be aware that the nationalist Press has been vilifying and calumniating our most respected leaders without any protest from any Congress public man of eminence. The patience of the Musalmans is well nigh exhausted and if they, therefore, hit back, it may be occasionally below the belt. You should not feel greatly horrified. The advent of democracy has let loose on the country, orators and speakers who in their criticism and utterances are not

restrained by any consideration of measure or decorum. It will take some time before things settle down and conventions are established. I could easily multiply the few instances I have given here; but what useful purpose would that serve? It is not likely to advance the cause which you have in view, namely, the discussion of public affairs on their merits without importing religious or sectional considerations. Mere apportioning of blame or fixing responsibility for the present unhappy state of affairs on any particular community will not, I venture to say, help in easing the situation. If we honestly desire to find out the root causes of this conflict we shall have to approach the problem in a different manner; but if the idea is merely to prevent the dissemination of irresponsible and loose talk, all I can say is, that I shall be happy to co-operate with you in any measures which you may consider necessary for the purpose.

You have referred to certain posters, statements and speeches made during the Bijnor and Bundelkhand elections to which you take strong exception. I am convinced that in trying to achieve success in elections people often stoop to all kinds of things and address appeals to the lowest instincts and sentiments of the masses. This is not peculiar to India but it is prevalent in most countries having democratic constitutions. Three more by-elections are being hastly contested by the two organisations, which, I have no doubt, will further aggravate communal feelings. Undue importance is being given to success at these elections, not so much by the League as by the Congress, for it challenges the right of the League to represent Musalmans. It is possible that the situation may improve after the elections are over, though I am not sure whether the mass contact movement which is being carried on aggressively by the Congress among Muslims, will not continue to cause friction and maintain the present tension.

You have very kindly asked me to define our points of agreement, and points of difference, but I think, having regard to our readiness to work in the Legislature on the basis of the Wardha Programme which, as you say, is fairly comprehensive, it is now for you to point out where you still differ from us. With a view to help [*sic.*] you to study the whole question I am attaching to this the resolutions of the All India Muslim League passed at its annual session held at Lucknow in April last, together with a copy of our election manifesto. You will note from these resolutions that the League has altered its creed and has democratised its constitution. They will also indicate, I have no doubt, that

as far as the interest of the whole country is concerned, there is not much difference between the policies and programmes of the two organisations.

In this connection I may be permitted the liberty of stating that if this mass contact movement had not been thrust upon us and the Muslim League parties had not in the various legislatures been so contemptuously treated by the Congress wherever they happened to be in a majority, the Musalmans would have been nearer the Congress ideals to-day than they are likely to be for some considerable time to come. I know many Musalmans who had Congress leanings or had been formerly active members of that organisation, [*and who*] viewed with grave suspicion and dismay this new move of the Congress. This is the reason why you find men like Maulana Qutbuddin Abdulwali Sahib and Syed Zakir Ali Sahib, Joint Secretary of the U.P. Muslim League Parliamentary Board, adopting this line of thought and giving expression to it in their statements, of which you naturally disapprove. These are their honest conviction which they are ready to justify. They claim the right to put their own interpretations on the policy which the Congress is at present pursuing with regard to Musalmans and I believe you will not dispute their right to do so, though you may entirely disagree with their interpretations. There are many thinking Musalmans who firmly believe that the Congress by this movement is trying to destroy Muslim solidarity and create disruption in the community, and that the Muslim supporters of the Congress are being financed and helped by the Congress which, as at present constituted, is an overwhelmingly Hindu body, to fight their co-religionists and curb their spirit. Another factor which has contributed to the accentuation of the differences is the appointment to Ministerial offices of persons who have abjured their parties and only recently joined the Congress.

I have mentioned some of these facts so that they may help you in studying the other side of the case.

I shall now briefly deal with some of the points raised specifically in your letter :—

Your recent resolution on the Communal Award has certainly removed one great grievance of the Muslim community and we trust it will be allowed to stand.

I have read with great interest your article on the language and script question. I am thankful to you for sending me a copy of it. It makes practical suggestions for solving this difficult question and I am

sure it will receive approbation from every fair-minded man.

I have already made my observations on the "fantastic statements" purported to have been made by some Muslim Leaguers in Bijnor and elsewhere. All that I wish to say here is that Local Congress Committees should be directed to draw the attention of the local Muslim League whenever people are found indulging in such reckless and irresponsible talk.

You complain that no responsible Muslim Leaguer has condemned the violence perpetrated by a League volunteer on a Congress Muslim worker in a running train. I may tell you in this connexion that we instituted an inquiry into this incident and found that the volunteer in question had sufficient provocation to justify the act. I think the less said about this incident the better. Moreover as the case is still *sub judice* it will not therefore be proper to say more on the subject.

I am sorry that you should think that the Muslim Leaguers encourage resort to violence. There is no foundation for such an assumption.

It is not the Muslim Leaguers who have raised the cry of Islam in danger; it is our opponents who have put this into our mouths. Every Muslim believes that Islam can never be in danger.

You rightly deprecate the charges of bribery levelled against your colleagues of the Jamiat-ul-Ulema. But what are they in comparison to the atrocious charges that are being laid daily against Maulana Shaukat Ali by Congress Muslims? They only demonstrate our moral indignation.

I had also heard at Bijnor that you had snatched away a Congress flag from the hands of a volunteer on which 'Allah-O-Akbar' was inscribed, because you considered it an unauthorised innovation. I am gratified to learn that there was no shadow of a foundation for this stupid rumour.

As regards Maulana Shaukat Ali's assertion that peasant voters in Bijnor were influenced by Revenue officials and others to vote for the Congress candidate all that I can say is that he must have some evidence to justify it, otherwise I cannot understand his making such a statement. I shall inquire from him and let you know.

It is open to Dr. K.M. Ashraf to clear his position by contradicting in the Press false statements attributed to him. I am sorry at what took place in a recent meeting of the Aligarh University Union when he was addressing it. But you will agree that the Muslim League had nothing to do with this episode. You would be glad to learn that the pro-Vice

Chancellor of the University has condemned the behaviour of the students in a press statement recently.

You say that "the spirit of violence is evident", and you quote certain instances to prove it. May I enquire from you whether you attribute it to the activities of the Muslim League? I do not wish to draw unjust inferences, but from what you have said in your letter, I feel that you imply that we have deliberately created this noxious atmosphere. If that is so, I hotly deny it ; if, however, you have mentioned these instances only to show that communal bitterness is prevalent in the country and that efforts should be made to remove it and bring about a better understanding between the two communities, we are prepared to welcome your endeavours in that direction and assist you to the best of our ability.

J. L. Nehru to Ismail Khan, Allahabad, 26 December, 1937

I must apologise to you for the delay in answering your letter of December 1. It reached me about the middle of the month on my return from Assam and I have been overwhelmed with work since then.

You suggest that I have been hasty in arriving at certain conclusions on the basis of information supplied by interested parties. It may be so and perhaps on a fuller consideration of all the evidence I might vary my opinion. Indeed, I wrote to you in order to balance the facts and accusations in my possession with such as you might draw my attention to. Any person, however judicial-minded he might be, is invariably influenced to some extent by what he sees and hears. I have seen something and I have heard a great deal about the activities of some of the workers on behalf of the League and I have been influenced thereby. But essentially my distress was due to the whole background of the Muslim League propaganda as evidenced by their official leaflets, and notices and other statements. All this was intensely communal and anti-Congress. Political questions were hardly referred to and the stress was on religious and communal questions, which did not arise at all. This seems to me a great disservice to any community and to the nation, for progress comes through the development of the political mentality in a group. Nationalism is obviously a higher ideal than communalism in so far as politics is concerned.

I am writing this reply in some haste, and therefore I cannot deal very fully with all the points you have referred to.

Nor do I think it desirable for us to waste our energy in discussing all manner of personal complaints and allegations. I shall only say this

that a very large number of complaints have reached me of needless aggression on the part of persons calling themselves Muslim Leaguers. The national flag has been torn down, Congress meetings in villages interfered with, and speeches of a violent and provocative kind delivered. Some of these instances I have investigated myself.

The flag issue is now being raised. So far as we are concerned we have not raised any objection to the Muslim League flag being put up or displayed. But do you not think that this is definitely a step back which will lead to all manner of complications? The Hindu Mahasabha and the Sikh League and Christian Associations will put up their own flags in public places with equal justification That surely is not the way to promote unity and consolidation and nationalism or to advance to the freedom of India. For all these years we have treated the tri-colour flag as the national flag of India and it has gained a wide-spread respect and currency. Purposely it was designed to signify the unity of India ; one of its colours was green to signify the Muslims. Maulana Muhammad Ali (and probably M. Shaukat Ali also) hoisted it on numerous occasions and spoke eloquently on its significance. Ch. Khaliq-uz-Zaman had it hoisted on the Lucknow Municipal Board buildings and elsewhere. Is he now going to put up the Muslim League flag or a variety of flags representing different communities?

It is all this background of communalism, separatism, anti-nationalism and a non-political consideration of political issues, that distress me. I realise and appreciate that the Muslim League, in so far as its resolutions are concerned, has come much nearer to the Congress politically. That is a welcome advance. But the background does not fit in with this: indeed it is in direct contradiction with it. Take again the fact that many of the present leaders of the Muslim League (I do not refer to you or to Mr. Jinnah) sided completely with the British Government throughout our struggle with it, and some of them actively co-operated with the most reactionary conservatives and diehards in England. Am I to understand that they are converted to independence and direct action now?

One particular statement in your letter has surprised me exceedingly. This is about the stabbing incident after the Bijnor election. You say that after inquiry you found that the volunteer who stabbed a Congress worker had sufficient justification to justify the act. Now this seems to me very strange. My own information is that the person stabbed is an exceedingly mild and quiet individual and in fact that he

was probably stabbed in error for some one else. But, even otherwise do you think that a provocative remark is enough to justify stabbing?

You draw my attention to offensive remarks and statements made by persons on behalf of the Congress. You agree, I think that Congressmen as such have not made them but that some Maulvis and Ahraris have done so. It may be and I am exceedingly sorry for it. One or two instances were brought to my notice during my election tours and I expressed my strong disapproval of them. Certainly I am prepared to condemn all such remarks by whomsoever made. Unfortunately I seldom have time to see the Urdu or Hindi Press and cannot follow its outbursts. As for the so-called nationalist press in English there has certainly been anti-Muslim League propaganda, but this has been political I suppose. I do not remember seeing anything personal. In any event, please remember that the Congress does not control any such single newspaper. They are vaguely nationalist because they cater for a public which prefers that outlook and they criticise individuals and groups in the Congress, including me, pretty vigorously. I disapprove entirely of many of their policies but I am unable to control them.

I have not seen the dramatic piece which appeared in the "Hindustan" nor have I read Sardar Sardool Singh's speech to which you refer.

I might remind you that last May or June, when I was in Burma, my attention was drawn to certain references to Mr. Jinnah in the Gujrati Press. These papers were not Congress papers ; indeed they were partly anti-Congress. I did not myself see what they had written, but on being told that they had indulged in personal criticism, I deprecated this and publicly apologised to Mr. Jinnah although I was in no way concerned with the papers.

You refer to the Congress mass contact movement as if this was started as a challenge to the Muslim League. Allow me to assure you that it is nothing of the kind. You may or may not agree with the ideology behind it, but you will appreciate I hope that it has nothing to do with Hindu or Muslim as such. It is the natural development of an organisation towards the masses. I laid stress on it in April 1936, in my Lucknow Congress address and since then we have been pushing it. A few months later I pointed out that it had lagged behind so far as the Muslims were concerned and urged the Congressmen to push it among them. Whatever the shortcomings and errors of the Congress might be it is in conception and even in practice a national movement. It has

no other "raison d'etre". It cannot admit the argument that it must not function in a particular religious group. For if it does so, it ceases to be national. If it does so, it must also retire from other such groups and ultimately it must fade away. There is no middle course.

We are a political organisation with our door open to all and trying to function on the national plane. In the interests of Indian unity and freedom it is essential that there should be such an organisation. There is no other. It may be that occasionally this organisation errs in a communal or group matter. If so, every effort must be made to put it right. To attack it as an organisation and to try to weaken it is to attack the conception of Indian unity itself and of nationalism and freedom. What will take its place ? And what of all of us if there is no such organisation?

We go to elections of course in the hope of winning a seat. But I hope you will remember that we aim higher. Winning seats does not carry us far. We are out to develop the people political y and to organise them for the fight for freedom. Elections give us an opportunity for this and so we welcome them. An election run on personal issues or other side issues is of no use to us whatsoever; indeed, it injures our cause.

You refer to the belief that the Congress is trying to destroy Muslim solidarity. That is often said but I do not understand it at all. There can be and should be religious or cultural solidarity. But when we enter the political plane, the solidarity is national not communal; when we enter the economic plane the solidarity is economic. The Congress is out to build up national solidarity and at the same time to preserve in every way possible the cultural solidarity of different groups.

It is very unfair of any one to charge Muslim supporters of the Congress with being financed by the Congress Naturally in our elections we help our candidates, Hindu or Muslim. Apart from this what is meant? If it is hinted at that Muslims in the Congress are there for love of money it is a calumny and a falsehood. Our finances are perfectly above board and can be inspected. In our various offices there are a number of Hindu as well as Muslim whole-time workers who are paid a maintenance allowance, which is usually far less than what they can earn otherwise or what they were actually getting before they joined us.

You refer to the appointment to ministerial offices of persons who

have abjured their parties and only recently joined the Congress. Presumably you refer to Hafiz Muhammad Ibrahim. I think you are very unfair to him. Perhaps you do not know that Hafiz Ibrahim has been a Congressman for years past and has held office in Congress Committees. He left the League Parliamentary Board long before the ministries were formed on the ground that the Board was allying itself to reactionary elements who had opposed the League and the Congress in general elections. That attitude was a perfectly comprehensible and justifiable one, whether one agreed with it or not. Subsequently as you know he resigned and sought election again. What more can man do?

I hope, however, that now that elections are over all these matters and disputes will tone down and gradually vanish away, allowing us to consider our national problems dispassionately. You write that you agree with the Congress programme as outlined in the Wardha resolution of the Working Committee. You agree that politically speaking there seem to be no vital differences between the Congress and the League and then you ask me to point out where we differ from you. Perhaps this letter will help you to appreciate our viewpoint. It is not for us to seek out differences, it is our business to remove them. We are a political organisation trying with such ability and energy as we possess to work for a certain end. In the nature of things, being a national organisation we work among all classes and groups in India. This means no ill-will to other groups or individuals. Our effort must necessarily be to gain their goodwill. So far as the minorities are concerned it is our declared aim and purpose to go out of our way even to gain their goodwill. So if we agree in such a large measure why should we not carry on in a friendly way?

Ismail Khan to J. L. Nehru, Meerut, 16 January, 1938

I have purposely held back my reply to your last letter, for I did not like to inflict it upon you at a time when you had suffered a grievous bereavement by the demise of your revered mother.

I am glad to know that you are also of the opinion that it is not desirable to continue a discussion of personal complaints and allegations. Besides involving a waste of time and energy it does not conduce to the attainment of the object you had in view when you started this correspondence, that is, the removal of communal tension and the

establishment of more harmonious relations between the two organisations. I shall, therefore, refrain from a recital of fresh complaints which have reached me since I wrote to you last.

There are, however, some statements in your letter on which I must make a few comments in defence of the organisation with which I am connected. You observe that you feel distressed at the "whole background of the Muslim League propaganda" which you characterise as "intensely religious, communal and anti-Congress". Now I ask you, is it fair to cast the whole blame for this on the Muslim League? Can the Congress have the temerity to deny that its own propaganda among the Muslim masses has been free from these blemishes? Has it not during the recent by-elections and in its mass contact movement utilised to the fullest extent the religious and spiritual influence of eminent Muslim theologians, and, through them done its best to exploit the religious sentiments of the ignorant masses in every conceivable manner? Believe me, among the Musalmans these Ulemas [*sic.*] are held in high esteem not because of their extreme political views but because of their religious erudition and spiritual attainments. An ordinary Muslim regards every utterance of theirs as a religious injunction. If the object of the Congress had been merely to convert the Muslim masses to its political and economic programme it should have employed politicians in preference to these worthy gentlemen who by their training and education are prone to give a religious tint to every secular affair. On the contrary, our experience was that in every election frantic efforts were made to secure the assistance from these Ulemas [*sic.*] for the Congress candidate. I was personally informed at several places during the recent by-election by Muslim voters that they dare not vote for our candidate because their *Pir* had threatened to excommunicate them if they did so.

Then again, during these recent elections I was rather shocked to see Hindus—whether Zamindars, bankers or vakils—who only the other day were bitterly opposed to the Congress, materially and morally backing the candidates. It was not because they had suddenly become converts to the Congress ideals, but because of the insidious propaganda which is being covertly carried on among the Hindus that the Congress Government virtually means a Hindu Government. If after this exhibition of communalism by a majority community, a minority devises effective measures for its security, can you blame it and wonder at its communalism? You also find fault with the League for its anti-Con-

gress propaganda. Cannot the League turn round and make a similar charge against the Congress? I believe you must be aware that Congressmen have not exercised any restraint in their criticism of the League, its policy and programme. Its members were dubbed only the other day at some public meeting by Maulana Ata Ullah Shah Bukhari as "putrid corpses". I feel surprised, I must confess, at your criticism of the tone of the League propaganda when your own men have not been sparing in their abuses of the Muslim League.

With regard to the flag issue all I need say here is that I am not aware that any Muslim organisation has recognised the tri-colour flag as the national flag. I have always understood it to be the Congress flag. I have also some recollection that when a controversy was raised by the Sikhs about its colours it was authoritatively stated that its colours did not have any communal significance. I do not know whether the Hindu Mahasabha or the Christian community treat the tri-colour flag as the national flag.

I can well appreciate and sympathise with the distress of a man like yourself for whose sincerity of purpose and honesty of profession I have profound respect, at the communal and separatist tendencies of present-day politics, but I would beg of you, if you wish to set things right, not to be swayed by your prejudices against persons who do not see eye to eye with you at the present moment and condemn them as communalists. You must seriously ponder why the Congress has failed to inspire confidence in the minority communities and has been unable to carry with it even an appreciable number of the Muslim community in spite of its oft-proclaimed resolutions guaranteeing religious and cultural liberty to the various communities. To me it seems that the bulk of the Hindu community in spite of its pretensions of nationalism is still imbued with narrow communalism. Its social exclusiveness and separatism are not conducive to the evolution of national consciousness and sentiments of nationality of which nationalism is only a manifestation.

You say that many of the present leaders of the Muslim League are those who sided with the British Government during the last struggle with the Government. I hold no brief for them. All I can say is that they have not resigned from our organisation after the alteration effected in our creed. This creed was changed without any protest from them, so I take it they have reconciled themselves to it. Whether they have become really converted to independence and direct action, is not for me to say. Possibly the neo-constitutionalism of the Congress has induced them to think that direct action is not likely to be revived and hence

they will not be called upon to make any sacrifices in the pursuit of the ideal of independence.

I do not for a moment deny the right of the Congress to convert Muslims to its ideals. It is the right of every political organisation to do so. What we do object to is the concerted efforts liberally financed by the Congress that are being made not only to induce the Muslims to join the Congress but also to bring into disrepute the Muslim League. The Muslims are being urged to wind up their communal organisations. Similar efforts as far as I know are not being made among other communities. Nor have these communities been asked to disband their organisations.

I believe it will be recollected that when separate electorates were provided for the Untouchables at their own request and Muslims backed up their claims, the Hindu leaders were most vehement in their denunciation of the Muslim attitude towards the question. They were charged with breaking up the solidarity of the Hindu community. Muslims entertain similar resentment against the Congress leaders today for launching this mass contact movement.

I believe my remarks have been misunderstood about the appointment of Muslim Ministers. I did not refer to Hafiz Ibrahim by name, but now that you have mentioned him, may I enquire how you account for his standing on the Muslim League ticket when he was a Congressman of some standing? Why did he not contest the seat on the Congress ticket and why did he not leave the last Council when the Congressmen resigned their seats? Then again, what was his record during the last Congress struggle? I have referred to all these facts only because you have gone out of your way to call my remarks unfair.

Before I conclude I must mention a personal grievance. You are reported to have said at some public meeting in the Saharanpur District when interrupted by a Muslim League volunteer that the League was creating all this trouble because "Ismail Khan wanted two ministerships to which the Congress Ministers did not agree". Before I comment on this statement I shall be grateful if you will kindly let me know whether your statement has been correctly reported.

J. L. Nehru to Ismail Khan, Wardha, 4 February, 1938

Your two letters dated January 16 and January 29 apparently came together and missed me in Allahabad. They have been forwarded to me here and have just reached me. I shall reply to them more fully

later. But I hasten to correct a misunderstanding which appears in the last paragraph of your letter of January 16.

I am glad you have written about this to me and drawn my attention to it. The report made to you was entirely incorrect. At a meeting somewhere—I forget the name of the place—I was interrupted several times. I asked the interrupters what they wanted and what their grievances were. They were unable to give me a satisfactory reply. I said that I did not know what the vital differences between the Congress and the Muslim League were and I wanted to know what these were. I said further that Nawab Ismail Khan and Chowdhry Khaliq-uz Zaman had assured us on their own behalf and on behalf of their colleagues that they accepted the Congress objective and programme and we had nearly come to an agreement. But unfortunately this fell through on the question of the formation of the Ministry. Thus there were no fundamental differences.

May I request you to give a message to Khaliq-uz-Zaman? I would have written to him separately, but I am rushed for work at present. Some one told me that he complained of having sent three letters to Gandhiji to which he had no reply. I enquired from Gandhiji and he tells me that he has received no letter at all from him.

J. L. Nehru to Ismail Khan, Wardha, 5 February, 1938

To continue my letter of yesterday's date.

The Congress mass contact movement has never been thought of in terms of Muslims only or confined to them. It was thought of in terms of extending the organisation and the influence of the Congress among all classes of people. In a sense it has been in existence for many years but it took more pointed shape at the Lucknow Congress of 1936. No mention was made of the Muslims at the time. Later on, and quite apart from elections, I laid stress on carrying it on more particularly among Muslims. The elections came and afterwards again we emphasized it. This was in furtherance of our general programme as a political body. It was not directed against the Muslim League.

Naturally we welcomed noted Muslim Ulemas [*sic.*] when they joined the Congress. We welcomed other Muslims also who were politicians and economists. So far as we were concerned we had no desire to emphasize the religious aspect of any question through these Ulemas [*sic.*]. Some of these Ulemas [*sic.*] were old colleagues of ours in the Congress or the Khilafat movement, and though their

view-point was not purely political, it was definitely political in most matters that concern us. You are right in saying that during the elections many of these Ulemas [*sic.*] were requested to help. The candidates or their organisers made special efforts to obtain their assistance. There was nothing unnatural about this. I have learnt for the first time from your letter that some one working for our candidate threatened to excommunicate Muslim voters. I do not know who did this but in any event it was highly improper for him to do so.

Many old people unconnected with the Congress probably supported the Congress candidates. Surely this had nothing to do with a Hindu Government as it has probably little to do with a great love for the Congress. But the opposite candidate was running on a definite communal ticket and it is not surprising that zamindars [*sic.*] and others preferred a Congress candidate who stood on a wider platform. Suppose a Hindu Mahasabha candidate opposed a Congress candidate. Is it not extremely likely that Muslim zamindars and vakils who are in no way associated with the Congress would prefer the Congress candidate to the purely communal candidate. This is not communalism but a reaction from communalism.

You have drawn my attention previously to certain offensive epithets said to have been used against members of the Muslim League. I have no information, except what you say, about these epithets. It is possible that exaggerated or perverted reports reached your ears. In any event your complaint has been, so far as I can remember, not against Congressmen but against Ahraris and others. I am glad that even in the super-heated atmosphere of the elections Congressmen were not guilty of improper behaviour. It is possible that some Ahrars erred. If so I am sorry. They are not closely associated with the Congress and are unused to our discipline and methods.

As for the National Flag, it took birth 17 years ago during the early days of the non-co-operation movement. Its colours and shape, etc , were determined after careful consultation with leaders of all communities in the Congress. In those days Muslims were present in large numbers in the Congress and the Flag was frequently used by the Khilafat Committee. Its colours were certainly determined to represent various communities, green for Muslims, and white for other minorities. We did try later not to lay stress on the communal reason for the colours as we wanted it to be considered the common national flag of all. Mr. Mohammad Ali delivered any number of eloquent

orations onthe National Flag as representing the unity of India and all communities.

It is obvious that India must have a national flag, a flag which all can call their own. A communal flag cannot possibly take its place and it is hardly proper to put up any communal flag on public buildings used by people of all communities. During the past 17 years the national flag has become very popular all over India and it has been endeared to us by any number of sacrifices and even deaths to protect its honour.

You are perfectly right in saying that many Hindus, and so also many Muslims, are swayed by communal feelings. But the point is: What lead we must give, what objective we have, and what methods: we pursue. If we do anything that increases communalism and separatism, then we do injury both to our community and to the nation.

You are mistaken if you think that the Congress has neglected other groups or minorities in India and is concentrating on the Muslims only. You know that we have fought the Hindu Mahasabha and disabled it politically. We have done effective and successful work among the Christian masses in the South. We have approached the Sikhs, Parsis and Jews. Our policy is the same throughout. Naturally, you will agree, the Muslims have a special importance and we desire to gain their goodwill. But allow me to tell you that there has been no liberal financing of any body. Our income is almost entirely derived from four-anna subscriptions.

There is no question of the Congress trying to break the solidarity of the Muslims or any other community. It is on the political field that we make appeal and thus want to make a common platform for all.

As for Hafiz Md. Ibrahim you are right in saying that he did not join the Civil Disobedience movement. But he has long been an office-bearer of a local Congress Committee and a member of the Swaraj Party in the Legislature. I do not know why he stood as a Muslim League candidate. One of the reasons probably was because at the time there was no apparent conflict between the Congress and the League.

I enclose copies of the correspondence I have had with Mr. Jinnah.

J. L. Nehru to Ismail Khan, Lucknow, 18 January, 1938

Thank you for your letter which I received some days ago. I have been in Lucknow for the last three days, but unfortunately I have been so busy with our Provincial Congress meetings that I had no opportunity of meeting you.

You must have seen Mr. Jinnah's recent statement. I can only express my regret that he has issued this aggressive statement which does not help much. But the questions we have to consider are more important than the method of approach and I shall therefore not enter into needless controversy. But my difficulty remains. What are these points of dispute? I wish you could enlighten me so that we might consider them and come to grips with them. May I therefore request you to let me know what these points of dispute are?

I am just leaving for Lahore and the Frontier Province. I hope to be back in Allahabad in ten days' time.

Ismail Khan to J. L. Nehru, Lucknow, 26 January 1938

I thank you for your letter of January the 18th, in which you ask me to state the 'points in dispute' between us. I should have gladly complied with your wishes, but as the Council of the All India Muslim League is meeting in Delhi on the 30th, where I have no doubt this question is likely to come up for discussion, would it not, therefore, be more appropriate if I deferred my reply till then so that you may be in possession not only of my personal views but also of the authoritative opinion of the Council of the League? I was glad to learn from Maulana Abul Kalam Azad that you have addressed a similar letter to Mr. Jinnah.

J. L. Nehru to Ismail Khan, Allahabad, 7 April, 1938

I sent you yesterday from Calcutta a copy of my letter to Mr. Jinnah. You will notice that at the end of that letter I have suggested that our correspondence might be issued to the press. As there have been so many references to it in the press and elsewhere, it seems to me desirable that publicity should be given to this correspondence so that people might be kept informed of the developments that have taken place. I should like to add some of the letters which I have written to you and you have written to me in this connection. This addition will make the present record complete for reference. I trust you will agree to this.

73

M. A. JINNAH—JAWAHARLAL NEHRU CORRESPONDENCE JANUARY—APRIL 1938

J. L. Nehru to M. A. Jinnah, Wardha, 18 January, 1938

I have read the statement you issued recently to the press with care. I am afraid we approach the question from different view-points and I feel that your approach is not very helpful. But I entirely agree with you that an argument carried on through the medium of the press is not desirable. Indeed I had decided not to issue press statements on the subject, but after your Calcutta speech in which you mentioned my name and issued some kind of a "challenge" to me, I felt that a public statement was unavoidable. Hence my statement, in which I tried to avoid unnecessary controversy.

You know perhaps that for some months past I have been in correspondence with Nawab Ismail Khan on this subject, and I have been anxious to find out what the points of difference and agreement were. I am afraid I do not know this yet and your last statement does not help. I would feel grateful to you if you could kindly throw some light on this and let me know what exactly are the points in dispute which require consideration. I think this will help us all and lead to an avoidance of needless controversy. We can then come to grips with the subject. As I have said in my last statement, we are eager to do every thing in our power to put an end to every misapprehension and to endeavour to solve every problem that comes in the way of our developing our public life along right lines and promoting the unity and progress of the Indian people.

Source: Durlab Singh (ed.), *A Complete Record of Unity Talks* [between Jinnah and Congress Leaders], The Hero Publications, Lahore, n.d. (? 1945), Part II. pp. 1-56.

I am leaving for Lahore to-day. From there I go to the Frontier Province and return to Allahabad in about ten days' time. Kindly address your reply to Allahabad.

M. A. Jinnah to J. L. Nehru, Bombay, 25 January, 1938

I am in receipt of your letter of the 18th January, 1938.

I must say that it is very difficult for me to understand it. I fail to see what you are driving at. It does not suggest any useful proposal of a concrete character besides approaching me and informing me that "we approach the question from different view-points," and you further say, "I feel that your approach is not very helpful". You further refer to my Calcutta speech and say "in which you mention my name and issued some kind of a 'challenge' to me, I felt that a public statement was unavoidable. Hence my statement". But you do not even now give me the purport of my speech and what was the challenge which compelled you to say what you did, in your statement which you consider unavoidable.

I know nothing of your being in correspondence with Nawab Ismail Khan referred to in your letter.

Finally I note your request that I should let you know what exactly are the points in dispute which require consideration.

I am glad that you agree with me that the arguments carried on through the medium of the press are not desirable. But do you think that this matter can be discussed, much less solved, by and through correspondence? I am afraid that is equally undesirable.

I may state for your information that I received a letter from Mr. Gandhi dated the 19th October, 1937, and I replied to him on 5th November, 1937, and I am still waiting to hear from him.

I reciprocate the sentiments expressed in the last but one paragraph of your letter.

J. L. Nehru to M. A. Jinnah, Wardha, 4 February, 1938

Your letter of the 25th January reached Allahabad on February 1st after I had left. It has been forwarded to me here and reached me yesterday.

I am sorry that my previous letter was difficult to understand. My purpose in writing it was, as I stated, to find what our points of difference and agreement were. Presumably there are points of difference as you have repeatedly criticised the Congress policy and practice. If these points of difference are noted down and our attention drawn to them,

it would make their consideration easier. It is possible that some of them may be due to misapprehension and this misapprehension might be removed ; it is equally possible that some are more fundamental and then we would try to find a way out or, at any rate, know exactly how and where we stand. When there is a conflict of opinion, a clarification of the opposed opinions is an essential preliminary to their consideration.

I might mention some relatively minor matters which have apparently led to misapprehensions. In one of your speeches you referred to being told by some one that a cheque of rupees five lakhs was recently given to the Congress. I am not aware of this and presumably I ought to know. Indeed, to my knowledge, no one has given even a cheque for Rs. 5,000 to the Congress for a considerable time.

In the same, or possibly another, speech you referred to the non-co-operation days and stated that while the Aligarh University was forced to close down and many non-co-operated from [*sic.*] it, not a single student non-co-operated from [*sic.*] the Benares University. As a matter of fact a very large number of students did in fact non-co-operate from [*sic*] the Benares University. As a result of this a non-official university, the Kashi Vidyapitha, was established in Benares, as also the Gandhi Ashram. Both of these still exist. In the same way the Jamia Millia came into existence in Aligarh and this now flourishes in Delhi.

You have referred in your speeches to the Congress imposing Hindi-Hindustani and trying to crush Urdu. I presume you were misinformed for I am not aware of any attempt on the part of the Congress to injure Urdu. Some time back I wrote an essay "The Question of Language" which represents, I believe, the Congress view-point It was approved by Mr. Gandhi and by many people unconnected with the Congress and interested in the advancement of Urdu including Moulvi Abdul Huq, Secretary, Anjuman i-Taraqqi-e-Urdu of Hyderabad. I do not know if you have come across this essay. In any event I am asking my office in Allahabad to send you a copy. If you disagree with the argument or conclusions of this essay, I shall be grateful to have your criticisms.

I might mention that the Congress Ministry in Madras is endeavouring to introduce the study of Hindustani in the State schools in the Province They are having primers and text books prepared especially for the purpose by the Jamia Millia. These primers, etc., are to be in two scripts—Devanagri and Urdu—but in identical language, the students having the option of script.

I mention these instances to show how misapprehensions arise. But

the real questions at issue are more important and it is in regard to these that clarification is necessary I presume you are acquainted with the Congress resolution and statement on minority and fundamental rights and regarding communal questions. If you so wish, I can have these sent to you. Many of these were collected together in a comprehensive resolution passed by the Working Committee in Calcutta towards the end of October 1937. About the Communal Award the Congress position has been repeatedly made clear.

The Congress policy as laid down in these resolutions may be incomplete or wrong. If so we shall gladly consider suggestions to complete it or rectify it. Personally I do not see what more can be done by the Congress regarding religious or cultural matters. As for political (communal) questions, the Communal Award, unsatisfactory as it is, holds the field for the present and till such time as it may be altered by mutual agreement of parties concerned.

In considering wider political questions, the Congress has adhered to certain principles and policies for a number of years, though minor variations have taken place from time to time. Our present policy in the legislatures and outside was defined by a comprehensive resolution passed by the Working Committee at Wardha last year. I was very glad to find out from Nawab Ismail Khan and Chowdhry Khaliq-uz-Zaman that the U. P. Muslim League, or the U. P. Muslim League Parliamentary Board, accepted this programme. This included our objective of independence, our demand for a constituent assembly, our general attitude to the Constitution Act and the Federation, and our methods of work inside and outside the legislatures. It referred also to our agrarian and labour programmes. Thus there appeared to be a very large measure of agreement between us, not only in regard to fundamentals, but even regarding many details.

In view of this agreement it distressed and surprised me to find that there was so much conflict. I have tried therefore to find out what this conflict is about. I do not see how I can make any proposal, concrete or vague, when I do not know what the points at issue are. It is true that reading your speeches I have come across various statements to the effect that the Congress is trying to establish Hindu Raj. I am unaware of how this is being done or who is doing it. If any Congress Ministries or the Congress organisation have made mistakes, these should be pointed out to us.

A report of your Calcutta speech appeared in the newspapers at the

time and is no doubt available to you and for me to give you a purport of it seemed hardly necessary. In this you state that you are fighting the Congress leadership which is misleading the Hindus. Further you have said that you want to bring the Congress High Command to its senses. May I suggest that those who are privileged to advise or lead the Congress have no desire to fight anybody except British Imperialism? In any event, if we mislead or misbehave we have a right to inquire from our critics where and how we have done so.

Further in your Calcutta speech you said, "I have long ago, months ago now, thrown out a challenge to Pandit Jawaharlal Nehru and I throw out a challenge now—let him come and sit with us and let us formulate a constructive programme which will give immediate relief to the poor". It was to this "challenge" that I referred in my last letter. I do not remember on which previous occasion you had issued a similar challenge to me.

It is always helpful to discuss matters and problems face to face, and, as I have said previously, we are always glad to do so. A short while ago you met Maulana Abul Kalam Azad, one of our most respected leaders, than whom there is no one better fitted to explain the Congress view-point in regard to the minorities problem or any other matter. Whenever necessity arises every one of us will willingly welcome to talk. But even such a talk is likely to be vague and infructuous if some clarification of ideas does not take place previously. Correspondence helps in this process and sometimes is even preferable as it is more precise than talk. I trust therefore you will help in clarifying the position by telling us where we differed and how you would like this difference to end. You have also criticised the Congress in vigorous language, as you were no doubt entitled to do. But are we not entitled to ask you to substantiate these criticisms in private at least, if not in public?

I have inquired from Mr. Gandhi about your letter to him dated the 5th November, 1937. He received it in Calcutta when he was lying ill there and he felt that it needed no answer. Your letter had been in answer to his and the matter seemed to end there for the time being. He was good enough to show me his letter and yours and it seemed to me that no particular reply was called for. I understand that he wrote to you yesterday.

I hope to be in Allahabad by the 9th February.

M. A. Jinnah to J. L. Nehru, New Delhi, 17 February, 1938

I am in receipt of your letter of the 4th February. You have now

flung at me more complaints and grievances of trifling character. Evidently you rely on that section of the press which is bent on misrepresenting and vilifying me, but I am glad that you say "I mention these instances to show how misapprehensions arise. But the real question at issue is more important and it is in regard to this that clarification is necessary". Therefore I don't think any useful purpose will be served to carry on correspondence with regard to the various matters mentioned in your letter. You will please not introduce matters which you may have discussed with Nawab Ismail Khan or Chowdhry Khaliq-uz-Zaman or anybody else. These again will lead to reference and cross-reference and the matter will never end.

As regards my Calcutta speech, the word "challenge" is obviously due to the imagination of the reporter, for the very context shows clearly that it was an invitation. However, the discussion of all these matters in correspondence will lead us nowhere. I do not believe in the doctrine which you lay down, "but are we not entitled to ask you to substantiate all these criticisms in private at least, if not in public". I for my part make no such distinction. I am prepared to substantiate anything that I have said publicly, provided it is correctly reported. The crux of your letter on the real, vital point of the Hindu-Muslim unity is a repetition of what you said in your previous letter, namely, that you want me to note down "the points of difference" and discuss them through and by means of correspondence— a method which, I made it clear in my last letter, is highly undesirable and most inappropriate. I welcome your suggestion when you say "whenever necessity arose every one of us would willingly welcome a talk". If you think that necessity has arisen and anyone of you is willing, I shall be glad to see you. You prefer talking at each other, whereas I prefer talking to each other. Surely you know and you ought to know what are the fundamental points in dispute.

I have received a letter from Mr. Gandhi and I have replied to him, a copy of which I am enclosing herewith.

J. L. Nehru to M. A. Jinnah, Bombay, 25 February, 1938

Your letter of the 17th February reached me at Haripura. I had no intention of flinging any complaints and grievances at you. In my attempt to find out what your complaints were I read your speeches as reported in the newspapers (usually by a news agency), and noted down some of the points on which you had laid stress. I am glad to know that you have been misreported, but you have not pointed out where the

misapprehension comes in, nor, so far as I know, have you issued any statement to the press correcting the misrepresentation. May I suggest that it will be worth while to correct these errors so that the public might not be misled? A clear and authoritative statement from you will help us also in understanding what you stand for and what you object to.

I note that you do not wish me to introduce in our correspondence any matter which we may have discussed with Nawab Ismail Khan or Chowdhry Khaliq-uz-Zaman. I did not know that they represented any different view-point from yours. I thought it necessary to draw your attention to the repeated attempts I have been making to find out what the political and communal policy of the Muslim League is and wherein it differs from that of the Congress. You will remember saying last year that the Muslim League had an entirely different policy even on political matters from that of the Congress. Since then the League has changed its objective and its economic outlook and has thus approached nearer to the Congress. I am anxious to find out what the real meaning of these changes is. Without this clarification it is difficult for us to understand the present position.

You say that you do not believe in the doctrine that I lay down, namely, "but are we not entitled to ask you to substantiate all these criticisms in private at least, if not in public". Further you say that for your part you make no such distinction and are prepared to substantiate anything that you have said publicly provided it is correctly reported. If you will read my sentence again you will no doubt observe that I have not laid down any such doctrine as you imagine. I would indeed welcome a public treatment by you of the criticisms made by you. But if you yourself were unwilling to write to the press on the subject. as you indicated in your letter, I put it to you that we were at least entitled to request you to substantiate the criticisms in private.

If you have made no criticisms of the Congress, and the press reports are entirely wrong, then of course no question of substantiation arises. All that need be done is to contradict the present reports. But if criticisms have been made, as presumably they have been, then I would request you to justify them publicly or privately as you might choose. Personally I would prefer the former method.

I am afraid I must confess that I do not yet know what the fundamental points of dispute are. It is for this reason that I have been requesting you to clarify them. So far I have not received any help in this

direction. Of course we shall willingly meet you whenever opportunity arises. Our president, Subhas Bose, or Maulana Abul Kalam Azad, or I or any other member of the Working Committee can meet you at a suitable opportunity.

But when we meet, what are we going to discuss? Responsible people with organisations behind them can hardly discuss anything in the air. Some clarification of the issues, some clear statement of what is wanted and what is objected to, is always desirable otherwise we may not come to grips with the subject You will remember the argument about what transpired at Delhi in 1935 between you and Babu Rajendra Prasad. There has been a difference of opinion about the facts. It would be unfortunate if we repeated this performance and then argued about it later.

It is thus highly desirable for us to define the issues first. This is also necessary as we have always to consult many colleagues in regard to any matter affecting Congress policy. There is surely nothing undesirable or inappropriate about this defining of issues by correspondence. It is the usual method adopted between individuals and organisations. May I therefore beg of you to enlighten me?

M. A. Jinnah to J. L. Nehru, New Delhi, 3 March, 1938

I am in receipt of your letter of the 25th February. I regret to find the same spirit running through of making insinuations and innuendoes and raising all sorts of matters of trifling character which are not germane to our present subject with which you started, namely, how to find the basis of approach to the most vital and prominent question of Hindu-Muslim unity. You wind up your letter by insisting upon the course that I should formulate the points in dispute and submit to you for your consideration and then carry on correspondence with you. This method, I have already stated in my considered opinion, is undesirable and inappropriate. The method you insist upon may be appropriate between two litigants and that is followed by solicitors on behalf of their clients, but national issues cannot be settled like that.

When you say "that I am afraid I must confess that I do not know what the fundamental points in dispute are", I am only amazed at your ignorance. The matter has been tackled since 1925 right upto 1935 by the most prominent leaders in the country and so far no solution has been found. I would beg of you to study it, and do not take up a self-complacent attitude, and if you are earnest I don't think you will find much difficulty in realizing what the main points in dispute are, because

they have been constantly mentioned both in the press and on the public platform even very recently.

J. L. Nehru to M. A. Jinnah, Allahabad, 8 March, 1938

Thank you for your letter of March 3rd. I am afraid our letters to each other repeat themselves. I go on requesting you to tell us what exactly are the points in dispute which have to be discussed and you go on insisting that this should not be done by correspondence. At the same time you have pointed out that the main points in dispute have been constantly, and very recently, discussed in the press and public platform. I have carefully followed press statements and your public speeches. In my efforts to discover those points of dispute, I enumerated some of the criticisms which you were reported to have made in public speeches. In your reply you reported that you were misreported, but you did not say what the correct report should have been. Further, you said that these were minor and trifling matters, but again you did not point out what the major matters were. You will perceive my difficulty. I hope I am not making any insinuations or innuendoes, as you suggest in your last letter. Certainly it is not my intention to do so, not to raise trifling matters which are not germane to the present subject. But what are these matters which are germane ? It may be that I am dense or not sufficiently acquainted with the intricacies of the problem. If so, I deserve to be enlightened. If you will refer me to any recent statement made in the press or platform which will help me in understanding, I shall be grateful.

It is not my desire, may I repeat, to carry on a controversy by correspondence, but only to find out what the main points of discussion and dispute are. It is surely usual for national issues to be formulated and clarified in this way to facilitate discussion. Both in national and international matters we are frequently adopting this course.

You are perfectly right in saying that this matter has been tackled since 1925 repeatedly. Do you think that this very history warns us not to approach it in a vague manner without clear ideas as to what we object to and what we want? Apart from this, much has happened during these past few years which has altered the position. For instance, the Communal Award. Do you want this discussed with a view to some settlement being arrived at on another basis?

It is obvious that the Congress is exceedingly anxious to remove all causes of misunderstanding and friction. Apart from wider national issues, it would like to do so because such misunderstanding comes in

the way of its work. It has frequently considered the problem and passed such resolutions and put forward such proposals as it considered right. I do not wish to discuss whether these were right or not. That may be a matter for argument. But according to our lights we tried to do our best. If we did not succeed to the extent we hoped to do, that is our misfortune and we shall gladly consider suggestions which might lead to better results.

What are the various aspects of this matter? May I enumerate them?

(1) The Communal Award, which includes separate electorates and reservation of seats.

(2) Religious guarantees.

(3) Cultural protection and guarantees.

Presumably these are the three main heads. There may be some minor matters but I do not refer to them as you wish to concentrate on the main issues.

As regards the Communal Award the position of the Congress has been clarified. If it is your desire to discuss this matter, I should like to know it.

As regards religious and cultural guarantees, the Congress has given as full assurances and guarantees as is possible. If, however, any other guarantees are considered necessary, they should be mentioned. About one of the questions which you have referred to in your speeches, the language question, I have written to you previously and sent you my brochure. I trust that you agreed with its main conclusions.

Are we going to discuss these matters, or some others which I have not mentioned above? Then again the background of all such discussions must necessarily be a certain political and economic one—our struggle for independence, our anti-imperialism, our methods of direct action whenever necessary, our anti-war policy, our attempt to remove the exploitation of the masses, agrarian and labour problems, and the like. I take it that with the re-orientation of the Muslim League's policy there will not be any great difference regarding this anti-imperialist background.

You will forgive me for repeating myself in these letters and for saying the same things over and over again. I do so because I am keenly desirous of your appreciating my view-point, which I believe is also the view-point of my colleagues in the Congress. I have no

desire to take up your time and to spend my time in writing long letters But my mind demands clarity before it can function effectively or think in terms of any action. Vagueness or an avoidance of real issue cannot lead to successful results. It does seem strange to me that in spite of my repeated requests I am not told what issues are to be discussed.

I understand that Mr. Gandhi has already written to you expressing his readiness to have a talk with you. I am not now the Congress president, and thus have not the same representative capacity, but if I can be of any help in this matter, my services are at the disposal of the Congress and I shall gladly meet you and discuss these matters with you.

M. A. Jinnah to J. L. Nehru, New Delhi, 17 March, 1938

I have received your letter of the 8th March, 1938.

Your first letter of the 18th of January conveyed to me that you desire to know the points in dispute for the purpose of promoting Hindu-Muslim unity. When in reply I said that the subject matter cannot be solved through correspondence and it was as undesirable as discussing matters in the press, you, in your reply of the 4th February, formulated a catalogue of grievances with regard to my supposed criticism of the Congress and utterances which are hardly relevant to the question for our immediate consideration. You went on persisting on the same line and you are still of opinion that those matters, although not germane to the present subject, should be further discussed, which I do not propose to do as I have already explained to you in my previous letter.

The question with which we started, as I understood, is of safeguarding the rights and interests of the Musalmans with regard to their religion, culture, language, personal laws and political rights in the national life, the government and the administration of the country. Various suggestions have been made which will satisfy the Musalmans and create a sense of security and confidence in the majority community. I am surprised when you say in your letter under reply, "But what are these matters which are germane? It may be that I am dense or not sufficiently acquainted with the intricacies of the problem. If so, I deserve to be enlightened. If you will refer me to any recent statement in the press or platform which will help me in understanding, I shall be grateful." Perhaps you have heard of the Fourteen Points.

Next, as you say, "Apart from this, much has happened during

these past few years which has altered the position". Yes, I agree with you, and various suggestions have appeared in the newspapers recently. For instance, if you will refer to the *Statesman*, dated the 12th of February, 1938, there appears an article under the heading, "Through Muslim Eyes" (copy enclosed for your convenience). Next, an article in the *New Times*, dated the 1st of March, 1938, dealing with your pronouncements recently made, I believe at the Haripura session of the Congress, where you are reported to have said: "I have examined this so-called communal question through the telescope and, if there is nothing, what can you see".

This article in the *New Times* appeared on the 1st of March, 1938, making numerous suggestions (copy enclosed for convenience). Further, you may have seen Mr. Aney's interview where he warned the Congress, mentioning some of the points which the Muslim League would demand.

Now, this is enough to show you that various suggestions that have been made, or are likely to be made, or are expected to be made, will have to be analysed and ultimately I consider it is the duty of every true nationalist, to whichever party or community he may belong, to make it his business and examine the situation and bring about a pact between the Musalmans and the Hindus and create a real united front; and it should be as much your anxiety and duty as it is mine, irrespective of the question of the party or the community to which we belong. But if you desire that I should collect all these suggestions and submit to you as a petitioner for you and your colleagues to consider, I am afraid I can't do it for the purpose of carrying on further correspondence with regard to these various points with you. But if you still insist upon that, as you seem to do so when you say in your letter, "My mind demands clarity before it can function effectively or think in terms of any action. Vagueness or an avoidance of real issues could not lead to satisfactory results. It does seem strange to me that in spite of my repeated requests I am not told what issues are to be discussed". This is hardly a correct description or a fair representation, but in that case I would request you to ask the Congress officially to communicate with me to that effect and I shall place the matter before the Council of the All India Muslim League, as you yourself say that you are "not the Congress president and thus have not the same representative capacity but if I can be of any help in this matter my services are at the disposal of the Congress and I shall

gladly meet you and discuss these matters with you". As to meeting you and discussing the matters with you, I need hardly say that I shall be pleased to do so.

Enclosure I: Extract from the "Statesman", New Delhi edition, dated 12 February, 1938, "Through Moslem Eyes" by Ain-el-Mulk.

Pandit Jawaharlal Nehru's Bombay statement of January 2 on the Hindu-Muslim question has produced hopeful reactions and the stage has been set for a talk between the leaders of what, for the sake of convenience, may be described as Hindu India and Moslem India. Whether the Jinnah-Jawaharlal talks will produce in 1938 better results than the Jinnah-Prasad talks did in 1935 is yet to be seen. Too much optimism would not, however, be justified. The Pandit, by way of annotating his Bombay statement, while addressing the U. P. delegates for Haripura at Lucknow, at the end of January, emphatically asserted that in no case would Congress "give up its principles". That was not a hopeful statement, because any acceptable formula or pact that may be evolved by the leaders of the Congress and the League would, one may guess, involve the acquiesence of the Congress in separate electorate (at least for a certain period), coalition ministries, recognition of the League as the one authoritative and representative organisation of Indian Moslems, modification of its attitude on the question of Hindi and its script, scraping of Bande Matram altogether, and possibly a re-designing of the tri-colour flag or at least agreeing to give the flag of the League an equal importance. It is possible that with a little statesmanship on both sides agreement can be reached on all the points without any infringement of the principles of either, but the greatest obstacle to a satisfactory solution would still remain, in the shape of the communalists of the Mahasabha and the irreconcilables of Bengal, all of whom are not of the Mahasabha alone. The right of the Congress to speak in the name of Hindus has been openly challenged and even the Jinnah-Prasad formula, which did not satisfy the Moslems and nothing on the lines of which is now likely to satisfy them, has been vehemently denounced by the Bengal Provincial Conference held at Vishnupur which recently passed an extremely communal resolution, and that the latest utterances of the Congress President-elect on the communal situation generally and the Jinnah-Prasad formula in particular show some restraint. The only thing for Moslems to do in the circumstances is to wait and hope for the best, without relaxing their efforts to add daily to the strength of the

League for it will not do to forget that it is the growing power and representative character of the Moslem League which has compelled Congress leaders to recognise the necessity for an understanding with the Moslem community.

Enclosure II: Extract from the "New Times", Lahore, dated 1 March, 1938, "The Communal Question"

In its last session at Haripura the Indian National Congress passed a resolution for assuring minorities of their cultural and religious rights. The resolution was moved by Pandit Jawaharlal Nehru and was carried. The speech which Pandit Jawaharlal Nehru made on this occasion was as bad as any speech could be. If the resolution has to be judged in the light of that speech, then it comes to this that the resolution has been passed not in any spirit of seriousness, but merely as a meaningless assurance to satisfy the foolish minorities who are clamouring "for the satisfaction of the communal problem". Mr. Jawaharlal Nehru proceeded on the basis that there was really no communal question. We should like to reproduce the trenchant manner in which he put forward the proposition. He said: "I have examined the *so-called communal question* through the telescope and, if there is nothing, what can you see?" It appears to us that it is the height of dishonesty to move a resolution with these premises. If there is no minority question, why proceed to pass a resolution? Why not state that there is no minority question? This is not the first time that Pandit Jawaharlal Nehru has expressed his complete inability to understand or see the communal question. When replying to a statement of Mr. Jinnah, he reiterated his conviction that in spite of his best endeavour to understand what Mr. Jinnah wanted, he could not get at what he wanted. He seems to think that with the Communal Award, which the Congress had opposed, the seats in the Legislature have become assured and now nothing remains to be done. He repeats the offensive statement that the Communal Award is merely a problem created by the middle or upper classes for the sake of a few seats in the Legislature or appointments in Government service or for Ministerial positions. We should like to tell Pandit Jawaharlal Nehru that he has completely misunderstood the position of the Muslim minority and it is a matter of intense pain that the president of an all-India organisation, which claims to represent the entire population of India, should be so completely ignorant of the Muslim minority. We shall set forth below some of the demands so that Pandit Jawaharlal Nehru may not have any occassion hereafter to say that he does not know what more the

Muslims want. The Muslim demands are:—

1. That the Congress shall henceforth withdraw all opposition to the Communal Award and should cease to prate about it as if it were a negation of nationalism. It may be a negation of nationalism, but if the Congress has announced in its statement that it is not opposing the Communal Award, the Muslims want that the Congress should at least stop all agitation for the recession of the Communal Award.

2. The Communal Award merely settles the question of the representation of the Muslims and of other minorities in the Legislatures of the country. The further question of the representation of the minorities in the services of the country remains. Muslims demand that they are as much entitled to be represented in the services of their motherland as the Hindus, and since the Muslims have come to realise by bitter experience that it is impossible for any protection to be extended to Muslim rights in the matter of their representation in the services, it is necessary that the share of the Muslims in the services should be definitely fixed in the constitution and by statutory enactment so that it may not be open to any Hindu head of any department to ride roughshod over Muslims in the name of "Efficiency". Pandit Jawaharlal Nehru knows that in the name of efficiency and merit, the right of Indians to man the services of their country was denied by the bureaucracy. To-day when Congress is in power in seven provinces, the Muslims have a right to demand of Congress leaders that they shall unequivocally express themselves in this regard.

3. Muslims demand that the protection of their Personal Law and their culture shall be guaranteed by the statute. And as an acid test of the sincerity of Pandit Jawaharlal Nehru and the Congress in this regard, Muslims demand that the Congress should take in hand the agitation in connextion with the Shahidganj Mosque and should use its moral pressure to ensure that the Shahidganj Mosque is restored to its original position and that the Sikhs desist from profane uses and thereby injuring the religious susceptibilities of the Muslims.

4. Muslims demand that their right to call *Azan* and perform their religious ceremonies shall not be fettered in any way. We should like to tell Pandit Jawaharlal Nehru that in a village, in the Kasur Tehsil, of the Lahore District, known as Raja Jang, the Muslim inhabitants of that place are not allowed by the Sikhs to call out their Azan loudly. With such neighbours, it is necessary to have a statutory guarantee that the religious rights of the Muslims shall not be in any way interfered

with, and on the advent of Congress rule to demand of the Congress that it shall use its powerful organisation for the prevention of such an event. In this connection we should like to tell Pandit Jawaharlal Nehru that the Muslims claim cow slaughter as one of their religious rights and demand that so long as the Sikhs are permitted to carry on Jhatka and to live on Jhatka, the Muslims have every right to insist on their undoubted right to slaughter cows. Pandit Jawaharlal Nehru is not a great believer in religious injunctions. He claims to be living on the economic plane, and we should like Pandit Jawaharlal Nehru to know that for a Muslim the question of cow slaughter is a measure of economic necessity and that therefore it does not remain open to any Hindu to statutorily prohibit the slaughter of cows.

5. Muslims demand that their majorities, in the Provinces in which they are at present in a majority, shall not be affected by any territorial redistributions or adjustments. The Muslims are at present in a majority in the provinces of Bengal, Punjab, Sind, North-West Frontier Province and Baluchistan. Let the Congress hold out the guarantee and express its readiness to the incorporation of this guarantee in the statute that the present distribution of the Muslim population in the various provinces shall not be interfered with through the medium of any territorial distribution or re-adjustment.

6. The question of national anthem is another matter. Pandit Jawaharlal Nehru cannot be unaware that Muslims all over have refused to accept the Bande Matram or any expurgated edition of the anti-Muslim song as a binding national anthem. If Pandit Jawaharlal Nehru cannot succeed in inducing the Hindu majority to drop the use of this song, then let him not talk so tall, and let him realise that the great Hindu mass does not take him seriously except as a strong force to injure the cause of Muslim solidarity.

7. The question of language and scripts is another demand of the Muslims. The Muslims insist on Urdu being practically their national language; they want statutory guarantee that the use of the Urdu tongue shall not in any manner be curtailed or damaged.

8. The question of the representation of the Muslims in the loca bodies is another unsolved question. Muslims demand that the principle underlying the Communal Award, namely, separate electorates and representation according to population strength, should apply uniformly in the various local and other elected bodies from top to bottom.

We can go on multiplying this list, but for the present we should like

to know the reply of the Congress and Pandit Jawaharlal Nehru to the demands that we have set forth below. We should like Pandit Jawaharlal Nehru fully to understand that the Muslims are more anxious than the Hindus to see complete independence in the real sense of that term established in India. They do not believe in any Muslim Raj for India and will fight a Hindu Raj tooth and nail. They stand for the complete freedom of the country and of all classes inhabiting this country, but they shall oppose the establishment of any majority Raj of a kind that will make a clean sweep of the cultural, religious and political guarantees of the various minorities as set forth above. Pandit Jawaharlal Nehru is under the comforting impression that the questions set forth are trivial questions, but he should reconsider his position in the light of the emphasis and importance which the minorities which are affected by the programme of the Congress place on these matters. After all it is the minorities which are to judge and not the majorities. It appears to us that with the attitude of mind which Pandit Jawaharlal Nehru betrayed in his speech and which the seconder of that resolution equally exhibited in his speech, namely, that the question of minorities and majorities was an artificial one and created to suit vested interests, it is obvious that nothing can come out of the talks that Pandit Jawaharlal Nehru recently initiated between himself and Mr. Jinnah. If the Congress is of the belief that this reiteration of its inane pledge to the minorities will satisfy them and that they will be taken in by mere words, the Congress is badly mistaken.

J. L. Nehru to M. A. Jinnah, Calcutta, 6 April, 1938

Your letter of the 17th March reached me in the Kumaun hills where I had gone for a brief holiday. From there I have come to Calcutta. I propose to return to Allahabad today and I shall probably be there for the greater part of April. If it is convenient for you to come there we could meet. Or if it suits you better to go to Lucknow I shall try to go there.

I am glad that you have indicated in your last letter a number of points which you have in mind. The enclosures you have sent mention these and I take it that they represent your view-point. I was somewhat surprised to see this list as I had no idea that you wanted to discuss many of these matters with us. Some of these are wholly covered by previous decisions of the Congress, some others are hardly capable of discussion.

As far as I can make out from your letter and the enclosures you have sent, you wish to discuss the following matters :—

(1) The Fourteen Points formulated by the Muslim League in 1929.

(2) The Congress should withdraw all opposition to the Communal Award and should not describe it as a negation of nationalism.

(3) The share of the Muslims in the State services should be definitely fixed in the constitution by statutory enactment.

(4) Muslim Personal Law and Culture should be guaranteed by Statute.

(5) The Congress should take in hand the agitation in connexion with the Shahidganj Mosque and should use its moral pressure to enable the Muslims to gain possession of the mosque.

(6) The Muslims' right to call Azan and perform their religious ceremonies should not be fettered in any way.

(7) Muslims should have freedom to perform cow slaughter.

(8) Muslim majorities in the provinces, where such majorities exist at present, must not be affected by any territorial redistribution or readjustments.

(9) The Bande Matram should be given up.

(10) Muslims want Urdu to be the national language of India and they desire to have statutory guarantees that the use of Urdu shall not be curtailed or damaged.

(11) Muslim representation in local bodies should be governed by the principles underlying the Communal Award, that is separate electorate and population strength.

(12) The tri-colour flag should be changed or, alternatively, the flag of the Muslim League should be given equal importance.

(13) Recognition of the Muslim League as the one authoritative and representative organisation of Indian Muslims.

It is further stated that the formula evolved by you and Babu Rajendra Prasad in 1935 does not satisfy the Muslims now and nothing of these lines will satisfy them.

It is added that the list given above is not a complete list and that it can be augmented by the addition of further "demands". Not knowing these possible and unlimited additions I can say nothing about them. But I shall like to deal with the various matters specifically mentioned and to indicate what the Congress attitude has been in

regard to them.

But before considering them, the political and economic background of the free India we are working for has to be kept in mind for ultimately that is the controlling factor. Some of these matters do not arise in considering an independent India or take a particular shape or have little importance. We can discuss them in terms of Indian independence, or in terms of British dominance of India continuing. The Congress naturally thinks in terms of independence, though it adjusts itself occasionally to the present transitional and temporary phases. It is thus not interested in amendments to the present constitution, but aims at its complete removal and its substitution by a constitution framed by the Indian people through a Constituent Assembly.

Another matter has assumed an urgent and vital significance and this is the exceedingly critical international situation and the possibility of war. This must concern India greatly and affect her struggle for freedom. This must, therefore, be considered the governing factor of the situation and almost everything else becomes of secondary importance, for all our efforts and petty arguments will be of little avail if the foundation is upset. The Congress has clearly and repeatedly laid down its policy in the event of such a crisis and stated that it will be no party to imperialist war. Peace, therefore, and Indian independence is its basic policy. The Congress will very gladly and willingly co-operate with the Muslim League and all other organisations and individuals in the furtherance of this policy.

I have carefully looked through the various matters to which you have drawn attention in your letter and its enclosures and I find that there is nothing in them which refers to or touches the economic demands of the masses or affects the all-important questions of poverty and unemployment. For all of us in India these are the vital issues and unless some solution is found for them, we function in vain. The question of State services, howsoever important and worthy of consideration it might be, affects a very small number of people. The peasantry, industrial workers, artisans and petty shopkeepers form the vast majority of the population and they are not improved in any way by any of the demands listed above. Their interests should be paramount.

Many of the "demands" involve change of the constitution which we are not in a position to bring about. Even if some such changes are desirable in themselves, it is not our policy to press for minor constitutional changes. We want to do away completely with the present con-

stitution and replace it by another for a free India.

In the same way the desire for statutory guarantees involves constitutional changes which we cannot give effect to. All we can is to state that in a future constitution for a free India we want certain guarantees to be incorporated. We have done this in regard to religious, cultural, linguistic and other rights of minorities in the Karachi resolution on Fundamental Rights. We would like these fundamental rights to be made a part of the constitution.

I now deal with the various matters listed above.

1. The Fourteen Points, I had thought, were somewhat out of date. Many of their provisions have been given effect to by the Communal Award and in other ways ; some others are entirely acceptable to the Congress; yet others require constitutional changes which, as I have mentioned above, are beyond our present competence Apart from the matters covered by the Communal Award and those involving a change in the constitution, one or two matters remain which give rise to difference of opinion and which are still likely to lead to considerable argument.

2. The Congress has clearly stated its attitude towards the Communal Award, and it comes to this that it seeks alterations only on the basis of mutual consent of the parties concerned. I do not understand how any one can take objection to this attitude and policy. If we were asked to describe the Award as not being anti-national, that would be patently false. Even apart from what it gives to various groups, its whole basis and structure are anti-national and come in the way of the development of national unity. As you know it gives an overwhelming and wholly undeserving weightage to the European elements in certain parts of India. If we think in terms of an independent India we cannot possibly fit in this Award with it. It is true that under stress of circumstances we have sometimes to accept as a temporary measure something that is on the face of it anti-national. It is also true that in the matters governed by the Communal Award we can only find a satisfactory and abiding solution by the consent and goodwill of the parties concerned. That is the Congress policy.

3. The fixing of the Muslims' share in the State services by statutory enactment necessarily involves the fixing of the shares of other groups and communities similarly. This would mean a rigid and compartmental State structure which will impede progress and development and no community should have cause to comment. At the same time

it is generally admitted that State appointments should be fairly and adequately distributed and no community should have cause to complain. It is far better to do this by convention and agreement. The Congress is fully alive to this issue and desires to meet the wishes of various groups in the fullest measure, so as to give to all minority communities, as stated in no. 11 of the Fourteen Points, "an adequate share in all the services of the State and in local self-governing bodies having due regard to the requirements of efficiency". The State to-day is becoming more and more technical and demands expert knowledge in its various departments. It is right, if a community is backward in this technical and expert knowledge, [that] special efforts should be made to give it this education to bring it up to a higher level.

I understand that at the Unity Conference held at Allahabad in 1933 or thereabouts, a mutually satisfactory solution of this question of State services was arrived at.

4. As regards protection of culture the Congress has declared its willingness to embody this in the fundamental laws of the constitution. It has also declared that it does not wish to interfere in any way with the personal law of any community.

5. I am considerably surprised at the suggestion that the Congress should take in hand the agitation in connexion with the Shahidganj Mosque. That is a matter to be decided either legally or by mutual agreement. The Congress prefers in all such matters the way of mutual agreement and its services can always be utilised for this purpose where there is an opening for them and a desire to this effect on the part of the parties concerned. I am glad that the Premier of the Punjab has suggested that this is the only satisfactory way to a solution of the problem.

6. The right to perform religious ceremonies should certainly be guaranteed to all communities. The Congress resolution about this is quite clear. I know nothing about the particular incident relating to a Punjab village which has been referred to. No doubt many instances can be gathered together from various parts of India where petty interferences take place with Hindu, Muslim or Sikh ceremonies. These have to be tactfully dealt with wherever they arise. But the principle is quite clear and should be agreed to.

7. As regards cow slaughter, there has been a great deal of entirely false and unfounded propaganda against the Congress suggesting that the Congress was going to stop it forcibly by legislation. The Congress does not wish to undertake any legislative action in this matter to

restrict the established rights of the Muslims.

8. The question of territorial redistribution has not arisen in any way. If and when it arises, it must be dealt with on the basis of mutual agreement of the parties concerned.

9. Regarding the Bande Matram song the Working Committee issued a long statement in October last to which I would invite your attention. First of all it has to be remembered that no formal national anthem has been adopted by the Congress at any time. It is true, however, that the Bande Matram song has been intimately associated with Indian nationalism for more than thirty years and numerous associations of sentiment and sacrifice have gathered round it. Popular songs are not made to order, nor can they be successfully imposed. They grow out of public sentiment. During all these thirty or more years the Bande Matram song was never considered as having any religious significance and was treated as a national song in praise of India. Nor, to my knowledge, was any objection taken to it except on political grounds by the Government. When, however, some objections were raised, the Working Committee carefully considered the matter and ultimately decided to recommend that certain stanzas, which contained certain allegorical references, might not be used on national platforms or occasions. The two stanzas that have been recommended by the Working Committee for use as a national song have not a word or a phrase which can offend anybody from any point of view and I am surprised that anyone can object to them. They may appeal to some more than to others. Some may prefer another national song ; they have full freedom to do so. But to compel large numbers to give up what they have long valued and grown attached to is to cause needless hurt to them and injure the national movement itself. It would be improper for a national organisation to do this.

10. About Urdu and Hindi, I have previously written to you and have also sent you my pamphlet on "The Question of Language". The Congress has declared in favour of guarantees for language and culture. It wants to encourage all the great provincial languages of India and at the same time to make Hindustani, as written both in the Nagri and Urdu scripts, the national language. Both scripts should be officially recognised and the choice should be left to the people concerned. In fact this policy is being pursued by the Congress Ministries.

11. The Congress has been long of opinion that joint electorates are preferable to separate electorates from the point of view of national

unity and harmonious co-operation between the different communities. But joint electorates, in order to have real value, must not be imposed on unwilling groups. Hence the Congress is quite clear that their introduction should depend on their acceptance by the people concerned. This is the policy that is being pursued by the Congress Ministries in regard to local bodies. Recently in a bill dealing with local bodies introduced in the Bombay Assembly, separate electorates were maintained but an option was given to the people concerned to adopt joint electorate, if they so chose. This principle seems to be in exact accordance with no. 5 of the Fourteen Points, which lays down that "representation of communal groups shall continue to be by means of separate electorates as at present, provided that it shall be open to any community, at any time, to abandon its separate electorate in favour of joint electorate". It surprises me that the Muslim League group in the Bombay Assembly should have opposed the bill with its optional clause although this carried out the very policy of the Muslim League.

May I also point out that in the resolution passed by the Muslim League in 1929, at the time it adopted the Fourteen Points, it was stated that "the Musalmans will not consent to joint electorates unless Sind is actually constituted into a separate province and reforms in fact are introduced in the North-West Frontier Province and Baluchistan on the same footing as in other provinces". Since then Sind has been separated and the North-West Frontier Province has been placed on a level with other provinces. So far as Baluchistan is concerned, the Congress is committed to a levelling up of this area in the same way.

12. The national tri-colour flag was adopted originally in 1920 by the Congress after full and careful consultation with eminent Muslim, Sikh and other leaders. Obviously a country and a national movement must have a national flag representing the nation and all communities in it. No communal flag can represent the nation. If we do not possess a national flag now we would have to evolve one. The present National Flag had its colours originally selected in order to represent the various communities, but we did not like to lay stress on this communal aspect of the colours Artistically I think the combination of orange, white and green has resulted in a flag which is probably most beautiful of all national flags. For these many years our flag has been used and it has spread to the remotest village and

cottage and brought hope and a sense of all India unity to our masses. It has been associated with great sacrifices on the part of our people, including Hindus, Muslims and Sikhs, and many have suffered Lathi blows and imprisonment and even death in defending it from insult or injury. Thus a powerful sentiment has grown up in its favour. On innumerable occasions Maulana Muhammad Ali, Maulana Shaukat Ali and many leaders of the Muslim League to-day have associated themselves with this flag and emphasized its virtues and significance as a symbol of Indian unity. It has spread outside the Congress ranks and been generally recognised as the flag of the nation. It is difficult to understand how anyone can reasonably object to it now.

Communal flags cannot obviously take its place for that can only mean a host of flags of various communities being used together and thus emphasizing our disunity and separateness. Communal flags might be used for religious function or over any public building meant for various communities.

May I add that during the past few months, on several occasions, the National Flag has been insulted by some members or volunteers of the Muslim League. This has pained us greatly but we have deliberately avoided anything in the nature of conflict in order not to add to communal bitterness. We have also issued strict orders, and they have been obeyed, that no interference should take place with the Muslim League flag, even though it might be inappropriately displayed.

13. I do not understand what is meant by our recognition of the Muslim League as the one and only organisation of Indian Muslims. Obviously the Muslim League is an important communal organisation and we deal with it as such. But we have to deal with all organisations and individuals that come within our ken. We do not determine the measure of importance or distinction they possess. There are a large number, about a hundred thousand, of Muslims on the Congress roll, many of whom have been our close companions, in prisons and outside, for many years and we value their comradeship highly. There are many organisations which contain Muslims and non-Muslims alike, such as Trade Unions, Peasant Unions, Kisan Sabhas, Debt Committees, Zamindar Associations, Chambers of Commerce, Employees' Associations, etc., and we have contacts with them. There are special Muslim organisations such as the Jamiat-ul-Ulama, the Proja Party, the Ahrars and others, which claim attention. Inevitably the more

important the organisation the more the attention paid to it, but this importance does not come from outside recognition but from inherent strength. And the other organisations, though they might be younger and smaller, cannot be ignored.

14. I should like to know what is meant by coalition ministries. A ministry must have a definite political and economic programme and policy. Any other kind of ministry would be a disjointed and ineffective body, with no clear mind or direction. Given a common political and economic programme and policy co-operation is easy. You know probably that some such co-operation was sought for and obtained by the Congress in the Frontier Province. In Bombay also repeated attempts were made on behalf of the Congress to obtain this co-operation on the basis of a common programme. The Congress has gone to the Assemblies with a definite programme and in furtherance of a clear policy. It will always gladly co-operate with other groups, whether it is in majority or minority in an Assembly, in furtherance of that programme and policy. On that basis I can conceive of even coalition ministries formed. Without that basis the Congress has no interest in a Ministry or in an Assembly.

I have dealt, I am afraid at exceeding length, with the various points raised in your letter and its enclosures. I am glad that I have had a glimpse into your mind through this correspondence as this enables me to understand a little better the problems that are before you and perhaps others. I agree entirely that it is the duty of every Indian to bring about harmonious joint effort of all of us for the achievement of India's freedom and the ending of the poverty of her people. For me, and I take it for most of us, the Congress has been a means to that end and not an end in itself. It has been a privilege for us to work through the Congress because it has drawn to itself the love of millions of our countrymen, and through their sacrifice and united effort, taken us a long way to our goal. But much remains to be done and we have all to pull together to that end.

Personally the idea of pacts and the like does not appeal to me, though perhaps they might be necessary occasionally. What seems to be far more important is a more basic understanding of each other, bringing with it the desire and ability to co-operate together. The largest co-operation, if it is to include our millions, must necessarily be in the interests of these millions. My mind therefore is continually occupied with the problems of these unhappy masses of this country and I view

all other problems in this light. I should like to view the communal problem also in this perspective for otherwise it has no great significance for me.

You seem to imagine that I wanted you to put forward suggestions as a petitioner, and then you propose that the Congress should officially communicate with you. Surely you have misunderstood me and done yourself and me an injustice. There is no question of petitioning either by you or by me, but a desire to understand each other and the problem that we have been discussing. I do not understand the significance of your wanting an official intimation from the Congress. I do not ask you for an official reply on behalf of the Muslim League. Organisations do not function in this way. It is not a question of prestige for the Congress or for any of us, for we are keener on reaching the goal we have set before us than on small matters of prestige. The Congress is a great enough organisation to ignore such petty matters, and if some of us have gained a measure of influence and popularity, we have done so in the shadow of the Congress.

You will remember that I took the initiative in writing to you and requesting you to enlighten me as to what your objections were to the Congress policy and what, according to you, were the points of dispute. I have read many of your speeches, as reported in the press, and I found to my regret that they were full of strong attacks on the Congress which, according to my way of thinking, were not justified. I wanted to remove any misunderstanding, where such existed, and to clear the air.

I have found, chiefly in the Urdu Press, the most astounding falsehoods about the Congress. I refer to facts, not to opinions, and to facts within my knowledge. Two days ago here, in Calcutta, I saw a circular letter or notice issued by a Secretary of a Muslim League. This contained a list of the so-called misdeeds of the U. P. Government. I read this with amazement for there was not an atom of truth in most of the charges. I suppose they were garnered from the Urdu press. Through the press and the platform such charges have been repeated on numerous occasions and communal passions have thus been roused and bitterness created. This has grieved me and I have sought by writing to you and Nawab Ismail Khan to find a way of checking this deplorable deterioration of our public life, as well as surer basis for co-operation. This problem still faces us and I hope we shall solve it.

I have mentioned earlier in this letter the critical international

situation and the terrible sense of impending catastrophe that hangs over the world. My mind is obsessed with this and I want India to realize it and be ready for all consequences, good or ill, that may flow from it. In this period of world crisis all of us, to whatever party or group we might belong and whatever our differences might be, have the primary duty of holding together to protect our people from the perils that might encompass them. Our differences and arguments seem trivial when the future of the world and of India hangs in the balance. It is in the hope that all of us will succeed in building up this larger unity in our country that I have written to you and others repeatedly and at length.

There is one small matter I should like to mention. The report of my speech at Haripura, as given in your letter and the newspaper article, is not correct.

We have been corresponding for some time and many vague rumours float about as to what we have been saying to each other. Anxious inquiries come to me and I have no doubt that similar inquiries are addressed to you also. I think that we might take the public into our confidence now for this is a public matter in which many are interested. I suggest therefore that our correspondence might be released to the press. I presume you will have no objection.

M. A. Jinnah to J. L. Nehru, Bombay, 12 April, 1938

I am in receipt of your letter of the 6th April, 1938. I am extremely obliged to you for informing me that you propose to return to Allahabad and shall probably be there for the greater part of April and suggesting that, if it would be convenient for me to come there, we could meet, or, if it suits me better to go to Lucknow, you will try to go there. I am afraid that it is not possible for me owing to my other engagements, but I shall be in Bombay about the end of April and, if it is convenient to you, I shall be very glad to meet you.

As for the rest of your letter, it has been to me a most painful reading. It seems to me that you cannot even accurately interpret my letter, as you very honestly say that your "mind is obsessed with the international situation and the terrible sense of impending catastrophe that hangs over the world", so you are thinking in terms entirely divorced from realities which face us in India. I can only express my great regret at your turning and twisting what I wrote to you and putting entirely a wrong complexion upon the position I have placed before you at your request. You have formulated certain points in your letter which you father upon me to begin with as my proposals. I sent you extracts from

the press which had recently appeared because I believed you when you repeatedly asserted and appealed to me that you would be grateful if I would refer you to any recent statement made in the press or platform which would help you in understanding matters. Those are some of the matters which are undoubtedly agitating Muslim India, but the question how to meet them and to what extent and by what means and methods is the business, as I have said before, of every true nationalist to solve. Whether constitutional changes are necessary, whether we should do it by agreement or conventions and so forth, are matters, I thought, for discussion ; but I am extremely sorry to find that you have in your letter already pronounced your judgment and given your decisions on a good many of them with a preamble which negative any suggestion or discussion which may lead to a settlement, as you start by saying, "I was so much surprised to see this list as I had no idea that you wanted to discuss many of these matters with us ; some of these are wholly covered by previous decisions of the Congress, some others are hardly capable of discussion", and then you proceed to your conclusion having formulated the points according to your own notions. Your tone and language again display the same arrogance and militant spirit as if the Congress is the sovereign power, and, as an indication, you extend your patronage by saying that "obviously the Muslim League is an important communal organisation and we deal with it as such, as we have to deal with all organisations and individuals that come within our ken. We do not measure the importance or distinction they possess", and then you mention various other organisations. Here I may add that in my opinion, as I have publicly stated so often, unless the Congress recognises the Muslim League on a footing of complete equality and is prepared as such to negotiate for a Hindu-Muslim settlement, we shall have to wait and depend upon our inherent strength which will "determine the measure of importance or distinction it possesses". Having regard to your mentality it is really difficult for me to make you understand the position any further. Of course, as I have said before, I do not propose to discuss the various matters referred to by you, by means of or through correspondence, as, in my opinion, that is not the way to tackle this matter.

With regard to your reference to certain falsehoods that have appeared about the Congress in the Urdu Press, which, you say, have astounded you, and with regard to the circular letter referred to about the misdeeds of the U.P. Government, I can express no opinion without

investigating, but I can give you any number of instances of falsehoods that have appeared in the Congress Press and in statements of Congressmen with regard to the All India Muslim League, some of the leaders and those who are connected with it. Similarly, I can give you instances or reports appearing in the Congress Press and speeches of Congressmen which are daily deliberately misrepresenting and vilifying the Muslim composition of the Bengal, Punjab, Sind and Assam Governments with a view to breaking those Governments, but that is not the subject matter of our correspondence, and besides no useful purpose will be served in doing so.

With regard to your request that our correspondence should be released to the Press, I have no objection provided the correspondence between me and Mr. Gandhi is also published simultaneously, as we both have referred to him and his correspondence with me in ours. You will please therefore obtain the permission of Mr. Gandhi to that effect or, if you wish, I will write to him, informing him that you desire to release the correspondence between us to the Press and I am willing to agree to it provided he agrees that the correspondence between him and myself is also released.

J. L. Nehru to M. A. Jinnah, Allahabad, 16 April, 1938

Your letter of April 12 has just reached me.

I am extremely sorry that anything that I have written to you should have caused you pain. It seems to be true that we approach public problems from different standpoints and inevitably I try to place my view-point before you and seek to gain your appreciation of it. To say anything that might pain you would defeat my own purpose, even apart from its impropriety. At the same time I owe it to you and to myself to endeavour to place frankly before you how my mind works and what my views are on the subject matter under discussion. Our view-points might differ, but I do believe that the margin of difference can be lessened by a frank approach on either side. I have sought to make this approach in all sincerity and with every desire on my part not to say anything that might come in the way.

In my last letter I dealt with the various points mentioned in the extracts you had sent me as I presumed that, as you had drawn my attention to them, they might, to a large extent, represent what you had in mind. As you know I have been trying to get at these points of difference, and when I saw something concrete I wanted to give my reaction to it. I tried to state what the Congress opinion has been in

regard to them. There is no finality in day-to-day politics although certain principles are supposed to govern politics. It is for the Congress, if it so chooses, to vary any policy. All I can do is to state what the past and present policy is.

I regret that you think that I write in an arrogant and militant spirit and as if I considered the Congress as the sovereign power. I am painfully conscious of the fact that the Congress is not a sovereign power and that it is limited and circumscribed in a hundred ways and further that it may have to go through the wilderness many a time again before it achieves its objective. You have referred to my obsession with the international situation and the sense of impending catastrophe that possesses me. If I feel that way, as I do, I can hardly grow complacent or imagine that the Congress is sovereign. But when I discuss Congress policies, as a Congressman I can only repeat what these are and not bring in my own particular views on the subject, if these happen to be at variance with Congress resolutions.

You point out to me that the Congress Press has contained numerous falsehoods in regard to the Muslim League and some of its leaders, as well as the provincial governments of Bengal, Punjab, Sind and Assam. I entirely agree with you that falsehoods, misrepresentations and insinuations are to be deprecated and countered wherever they might occur, in the Urdu, Hindi or English Press, or whatever the political complexion of the newspaper. There is no such thing as the Congress Press over which the Congress has control, but it is true that many newspapers generally support the Congress. But whether we can influence them or not, we certainly want to stop all such false and misleading statements and to express our disapproval of them. In this matter I can only beg of you to point out specific instances so that we might take necessary action.

I note what you say about the publication of our correspondence. I have got with me copies of your correspondence with Mahatma Gandhi. I am therefore writing to him to seek his permission as suggested by you.

I am afraid it will hardly be possible for me to visit Bombay in April or May. Early in June I intend sailing for Europe. In case I go to Bombay earlier I shall inform you so that we might have the opportunity of meeting. I understand that you will be meeting Mahatma Gandhi in the near future.

74

M. A. JINNAH—S. C. BOSE CORRESPONDENCE: MAY—OCTOBER 1938

Note handed over by S C. Bose to M. A. Jinnah, 14 May, 1938

In the course of the talks between the Congress President and Mr. M. A. Jinnah, President of the All India Muslim League, Mr. Jinnah suggested that any agreement that might be arrived at should be based on a clear understanding of the position of the Congress and that of the Muslim League. He proposed that the conversations should proceed on the following basis :

> "The All India Muslim League, as the authoritative and representative organisation of the Indian Muslims, and the Congress, as the authoritative and representative organisation of the solid body of Hindu opinion, have hereby agreed to the following terms by way of a pact between the two major communities and as a settlement of the Hindu Muslim question."

After further consideration a somewhat different wording was suggested by him as follows:

> "The Congress and the All India Muslim League, as the authoritative and representative organisation of the Musalmans of India, have hereby agreed to the following terms of a Hindu-Muslim settlement by way of a pact."

The second statement, though shorter, apparently embodies the same idea which is given in the first, that is, that the Congress should

Source: Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12 and 13, *Resolutions of the All India Muslim League from October 1937 to December 1938*, published by Liaquat Ali Khan, Honorary Secretary, All India Muslim League, Delhi, n.d. pp. 21-24, 31-38; items 10 and 14, Durlab Singh (ed.), *A Complete Record of Unity Talks* [between Jinnah and Congress Leaders], The Hero Publications, Lahore, n.d. (? 1945), Part III, pp. 15, 16.

represent the Hindus and the Muslim League the Musalmans.

The Congress cannot possibly consider itself or function as if it represented one community only, even though that might be the majority community in India. Its doors must inevitably be open to all communities and it must welcome all Indians who agree with its general policy and methods. It cannot accept the position of representing one community and thus itself becoming a communal organisation. At the same time the Congress is perfectly willing to confer and co-operate with other organisations which represent minority interests.

It is obvious that the Musalmans of India, though a minority in the whole country, form a very considerable part of the population and their wishes and desires must be considered in any scheme affecting India. It is also true that the All India Muslim League is an organisation representing a large body of Muslim opinion which must carry weight. It is for this reason that the Congress has endeavoured to understand the view-point of the League and to come to an understanding with it. The Congress, however, would be bound to consult other existing Muslim organisations which have co-operated with the Congress in the past. Further, in the event of other group or minority interests being involved, it will be necessary to consult representatives of such interests.

S. C. Bose to M. A. Jinnah, Bombay, 15 May, 1938

Last night I gave you a note explaining our position. You asked me what constructive proposals we had to make. I think the note is self-explanatory. Having made known the Congress reaction to your suggestion, according to us, it remains now to proceed to the next stage, namely, appointment of respective committees which will jointly settle the terms of understanding.

M. A. Jinnah to S. C. Bose, Bombay, 16 May, 1938

I acknowledge the receipt of a note you handed over to me on behalf of the Congress on the 14th, and also I beg to acknowledge the receipt of your letter dated 15th of May, 1938. The matter will be placed before the Executive Council and the Working Committee of the All India Muslim League at a meeting to be called in the first week of June, and I will communicate to you the decision as soon as possible.

Muslim League Executive Council (Working Committee) resolution No. 1, Bombay, 4 June, 1938

The Executive Council of the Muslim League resolves that the

following note be sent to Mr. Subhas Bose, President of the Congress, in reply to his letter dated the 15th of May, 1938, with a covering letter by the President [of the All India Muslim League].

M. A. Jinnah to S. C. Bose, Bombay, 5 June, 1938

I am enclosing herewith the unanimous opinion of the Executive Council of the All India Muslim League as promised by me in my letter dated the 16th of May with reference to the note given to me by you on behalf of the Congress and your letter of the 15th of May, 1938.

Muslim League Note sent to S. C. Bose by M. A. Jinnah, 5 June, 1938 (enclosure to the above letter).

Resolution No. 1.

The Executive Council of the All India Muslim League has considered the note handed over by the President, Mr. S. Bose, on behalf of the Congress to Mr. Jinnah, the President of the All India Muslim League on the 14th May and his letter of the 15th May, 1938, and find that it is not possible for the All India Muslim League to treat or negotiate with the Congress the question of Hindu-Muslim settlement except on the basis that the Muslim League is the authoritative and representative organisation of the Musalmans of India.

Resolution No. 2.

The Council have also considered the letter of Mr. Gandhi dated the 22nd May, 1938, and are of opinion that it is not possible to include any Muslim in the personnel of the proposed Committee that may be appointed by the Congress.

Resolution No. 3.

The Executive Council wish to make it clear that it is the declared policy of the All India Muslim League that all other minorities should have their rights and interests safeguarded so as to create a sense of security amongst them and win their confidence, and the All India Muslim League will consult the representatives of such minorities and any other interest as may be involved, when necessary.

S. C. Bose to M. A. Jinnah, Wardha, 25 July, 1938

The Working Committee [of the Indian National Congress] has given all the attention it was possible for it to give to the resolutions of the Muslim League you were good enough to enclose with your letter of the 6th June, 1938. The first resolution of the League Council defines the status of the League. If it means that, before we proceed

to set up a machinery for considering the terms of settlement of the communal question, the Congress should recognise the status as defined in that resolution, there is an obvious difficulty. Though the resolution does not use the adjective "only", the language of the resolution means that the adjective is understood. Already the Working Committee has received warnings against recognising the exclusive status of the League. There are Muslim organisations which have been functioning independently of the Muslim League. Some of them are staunch supporters of the Congress. Moreover, there are individual Muslims who are Congressmen, some of whom exercise no inconsiderable influence in the country. Then there is the Frontier Province which is overwhelmingly Muslim and which is solidly with the Congress. You will see that in the face of these known facts it is not only impossible but improper for the Congress to make the admission which the first resolution of the League Council apparently desires the Congress to make. It is suggested that the status of organisations does not accrue to them by any defining of it. It comes through the service to which a particular organisation has dedicated itself. The Working Committee, therefore, hopes that the League Council will not ask the Congress to do the impossible. Is it not enough that the Congress is not only willing but eager to establish the friendliest relations with the League and to come to an honourable understanding over the much vexed Hindu-Muslim question?

At this stage it may perhaps be as well to state the Congress claim. Though it is admitted that the largest number of persons to be found on the numerous Congress registers are Hindus, the Congress has a fairly large number of Muslims and members of other communities professing different faiths. It has been an unbroken tradition with the Congress to represent all communities, all races, and all classes to whom India is their home. From its inception it has often had distinguished Muslims as Presidents and as General Secretaries who enjoyed the confidence of the Congress and of the country. The Congress tradition is that though a Congressman does not cease to belong to the Faith in which he is born and bred up, no one comes to the Congress by virtue of his faith; he is in and of the Congress by virtue of his endorsement of the political principles and policy of the Congress. The Congress therefore is in no sense a communal organisation. In fact it has always fought the communal spirit because it is detrimental to the growth of pure and undefiled nationalism. But whilst the

Congress makes this claim, and has sought, with more or less success, to live up to the claim, the Working Committee asks for no recognition from the League Council. The Committee would be glad if your Council would come to an understanding with the Congress in order that we might achieve national solidarity and wholeheartedly work for realising our common destiny.

As to the second resolution of the Council, I am afraid that it is not possible for the Working Committee to confirm [*sic.*] to the desire expressed therein.

The third resolution, the Working Committee is unable to understand. So far as the Working Committee is aware, the Muslim League is purely a communal organisation, in the sense that it seeks to serve Muslim interests and its membership too is open only to Muslims. The Working Committee also has all along understood that so far as the League is concerned, it desires, and rightly, a settlement with the Congress on the Hindu-Muslim question and not on questions affecting all minorities. So far as the Congress is concerned, if the other minorities have a grievance against the Congress, it is always ready to deal with them as it is its bounden duty to do, being by its very constitution and organisation representative of all India without distinction of caste or creed.

In view of the foregoing I hope that it will be possible for us to take up the next stage in our negotiations for reaching settlement.

It is suggested that as the previous correspondence has already been published, it would be wise to take the public into confidence and publish the subsequent correspondence between us. If you are agreeable these documents will be immediately released for publication.

Muslim League Executive Council (Working Committee)
Resolution No. 1, New Delhi, 30 July, 1938

Resolved that the following letter on behalf of the Executive Council be sent to Mr. Bose, President of the Congress, in reply to his letter dated Wardha, 25th July, 1938, addressed to Mr. M. A. Jinnah, the President of the All India Muslim League.

M. A. Jinnah to S. C. Bose, New Delhi, 2 August, 1938
(sent in accordance with the above resolution)

I placed your letter dated the 25th of July, 1938, before the meeting of the Executive Council of the All India Muslim League.

The Executive Council gave its earnest attention and careful

consideration to the arguments which were urged in your letter for persuading it not to claim the status it has done in its resolution no. 1 already communicated to you. I am desired to state that in defining the status the Council was not actuated by any motive of securing an admission, but had merely stated an accepted fact.

The Council is fully convinced that the Muslim League is the only authoritative and representative political organisation of the Musalmans of India. This position was accepted when the Congress-League Pact was arrived at in 1916 at Lucknow and ever since, [and] till 1935 when Jinnah-Rajendra Prasad conversations took place, it has not been questioned. The All India Muslim League, therefore, does not require any admission or recognition from the Congress and nor did the resolution of the Executive Council passed at Bombay. But in view of the fact that the position—in fact the very existence—of the League has been questioned by Pandit Jawaharlal Nehru, the President of the Congress, in one of his statements wherein he asserted that there were only two parties in the country, *viz.*, the British Government and the Congress, it was considered necessary by the Executive Council to inform the Congress of the basis on which the negotiations between the two organisations could proceed.

Besides, the very fact that the Congress approached the Muslim League to enter into negotiations for a settlement of the Hindu-Muslim question [means that] it presupposed the authoritative and representative character of the League and as such its right to come to an agreement on behalf of the Musalmans of India.

The Council are aware of the fact that there is a Congress coalition government in the North-West Frontier Province and also that there are some Muslims in the Congress organization in other provinces. But the Council is of opinion that these Muslims in the Congress do not and cannot represent the Musalmans of India, for the simple reason that their number is very insignificant and that as members of the Congress they have disabled themselves from representing or speaking on behalf of the Muslim community. Were it not so, the whole claim of the Congress alleged in your letter regarding its national character would fall to the ground.

As regards "the other Muslim organisations" to which reference has been made in your letter, but whom you have not even named, the Council considers that it would have been more proper if no reference had been made to them. If they collectively or individually had been in a posi-

tion to speak on behalf of the Musalmans of India, the negotiations with the Muslim League for a settlement of the Hindu-Muslim question would not have been initiated by the Presidents of the Congress and Mr. Gandhi. However, so far as the Muslim League is concerned it is not aware that any Muslim political organisation has ever made a claim that it can speak or negotiate on behalf of the Muslims of India. It is, therefore, very much to be regretted that you should have referred to "other Muslim organisations" in this connexion.

The Council is equally anxious to bring about a settlement of "the much vexed Hindu-Muslim question" and thus hasten the realisation of the common goal, but it is painful to find that subtle arguments are being introduced to cloud the issue and retard the progress of the negotiations.

In view of the facts stated above the Council still hopes that the representative character of the Muslim League will not be questioned and that the Congress will proceed to appoint a committee on that basis.

With reference to the second resolution the Council wishes to point out that it considered undesirable the inclusion of Musalmans in the Committee that might be appointed by the Congress, because it would meet to solve and settle the Hindu-Muslim question, and so in the very nature of the issues involved they would not command the confidence of either Hindus or the Musalmans and their position would indeed be most embarrassing. The Council, therefore, request you to consider the question in the light of the above observations.

With reference to the third resolution it was the memorandum of the Congress referred to in your letter dated the 15th of May, 1938, in which mention of other minorities was made and the Muslim League expressed its willingness to consult them, if and when it was necessary in consonance with its declared policy.

As regards your desire for the release of the correspondence, including this letter, for publication, the Council has no objection to your doing so.

S. C. Bose to M. A. Jinnah, Calcutta, 16 August, 1938

Many thanks for your letter of the 2nd August, 1938. I regret the delay in replying to it. As the issue is a very important one, I desire to place your letter before the Congress Working Committee at its next meeting in September. Thereafter you will hear from me again.

S. C. Bose to M. A. Jinnah, Calcutta, 2 October, 1938

Your letter of the 2nd August, 1938, has been placed before the Working Committee. After due deliberation it has resolved to reply as follows :

"Though there are inaccuracies in your letter no purpose will be served by dwelling upon them. The substance of your letter seems to be that the League does not expect the Congress, whether implicitly or explicitly, to acknowledge its status as the authoritative Muslim organisation of India. If this view is accepted by the League, I am authorised to state that the Working Committee will confer with the Committee that may be appointed by the League to draw up the terms of settlement.

The Working Committee will be represented by at least five of its members at the sittings of the Conference.

As the previous correspondence has already been released for publication, I am taking the liberty of issuing this to the Press."

Muslim League Executive Council (Working Committee) Resolution No. 1, Karachi, 8 October, 1938

The Executive Council considered the letter of the Congress President and authorised the President, Mr. M. A. Jinnah, to send the following reply.

M. A. Jinnah to S. C. Bose, Bombay, 10 October, 1938 (sent in accordance with the above resolution)

I am in receipt of your letter dated the 2nd October which was placed before the Executive Council. I am authorised to state in reply as follows:

The Executive Council of the All India Muslim League regrets very much that the Working Committee of the Congress should have entirely misread my letter dated the 2nd of August, 1938, which is quite clear and does not require any elucidation or further interpretation. The Muslim League are still ready to proceed with the negotiations for settlement of the Hindu-Muslim question on the basis defined by my letter referred to above and would appoint its representatives to meet the Congress that may be appointed by the Congress on the footing indicated by us in our three resolutions of the 5th of June, 1938, already communicated to you.

As all the correspondence so far in this connexion has been published, I am issuing this to the Press.

S. C. Bose to M. A. Jinnah, Calcutta, n. d.*

The Working Committee have considered your letter of October 10, 1938, and regret the decision contained therein. Since the Committee do not find it possible to agree with the Council of the Muslim League as to the basis of the negotiation and since the Council insist that an agreement as to the basis is a *sine qua non* of any negotiations between the Congress and the League, the Working Committee regret that they are not in a position to do anything further in the direction of starting negotiations with the League with a view to arriving at a settlement of the Hindu-Muslim question.

I am sorry for the delay in replying to your letter but I did not want to say anything till the Working Committee met and considered the matter.

Since the previous correspondence has been published already, I am taking the liberty of issuing this to the Press.

* The date on which this letter was written is not given by Durlab Singh from whom the text is taken. (Editor)

75

M. A. JINNAH-RAJENDRA PRASAD CORRESPONDENCE OCTOBER 1939

Rajendra Prasad to M. A. Jinnah, New Delhi, 5 October, 1939

In the resolution of the Working Committee of the All India Muslim League, passed recently in Delhi, reference has been made to Provincial Governments. It is stated that provincial autonomy in several provinces has resulted in the domination of the Hindus over the Muslim minorities whose life and liberty, property and honour are in danger, and even their religious rights and culture are being assailed and annihilated every day under the Congress Governments in various provinces. Pandit Jawaharlal Nehru has also informed me that you mentioned this matter to him in the course of recent conversations.

We feel that these charges are wholly unfounded and are based on misapprehension and one-sided reports that might have reached you and the League. The Governments concerned have inquired into the matter whenever such charges have been made and has denied them. On a previous occasion we expressed our willingness to have any specific instances investigated by an impartial authority. We feel strongly, and am sure you will agree with us, that such charges, when seriously made, should be inquired into and either substantiated or disproved. We would like this course to be adopted in regard to any specific instances that are put forward. If you agree we could request the highest judicial authority in India, Sir Maurice Gwyer, Chief Justice of the Federal Court, to inquire into this matter. In the event of his not being available some other person of a similar status and judicial position might be approached.

Source : Durlab Singh (ed.), *A Complete Record of Unity Talks* [between Jinnah and Congress Leaders], The Hero Publications, Lahore, n.d. (?1945), Part IV, pp. 14-16.

I shall gladly place this matter before the Working Committee of the Congress and get them to pass a formal resolution to this effect.

I am leaving for Wardha to-day and shall be obliged to you if you will send an early reply. I shall be in Wardha for about a week.

M. A. Jinnah to Rajendra Prasad, New Delhi, 10 October, 1939

I am in receipt of your letter dated 5th of October, 1939. I beg to inform you that I have already placed the whole case before the Viceroy and Governor General and have requested him to take up the matter without delay, as he and the Governors of the provinces have been expressly authorised under the constitution and are entrusted with the responsibility to protect the rights and interests of the minorities.

The matter is now under His Excellency's consideration, and he is the proper authority to take such action and adopt such measures as would meet our requirements and would restore complete sense of security and satisfaction amongst the Musalmans in these provinces where the Congress Ministries are in charge of the administration.

In these circumstances I do not wish to discuss further the various statements made in your letter as it is unnecessary to do so, but I must say that some of them are wholly inaccurate.

76

FAZL-UL-HUQ-JAWAHARLAL NEHRU CORRESPONDENCE OCTOBER-DECEMBER 1939

J. L. Nehru to A. K. Fazl-ul-Huq, Lucknow, 30 October, 1939

On my journey from Bombay to Lucknow yesterday, I read in the newspapers a statement by you in which reference was made to me. As this contained a "challenge" from you to me and proposed an inquiry by you and me into certain incidents, I have issued a statement to the press to-day in reply to it. I enclose a copy of it for your information. As you will notice, I gladly accept your proposal and I am ready to participate in any such inquiry at the earliest possible moment. I shall be glad, therefore, if you will kindly let me know what you propose to do in this matter.

A. K. Fazl-ul-Huq to J. L. Nehru, Calcutta, 4 November, 1939

I have received your letter of October 30, 1939, which was awaiting my arrival in Calcutta. Just at the present moment I am suffering from a bad attack of lumbago and am confined to bed. Moreover, this is Ramazan time and no tour will be convenient till the Ramazan is over. I am arranging with my friends for a tour in various provinces and shall let you know as soon as a programme is fully made out. I hope you will get yourself ready to start on a week's notice. Very likely we will have to begin with some place in Bihar.

I feel very strongly that this question of the alleged excesses committed on Muslims by the Congress Ministries should be settled once for all. I am, therefore, much obliged to you for having accepted my invitation to participate in the inquiry. Nothing but good can come out from such joint efforts if made honestly and in the right spirit.

Source : *Civil and Military Gazette*, Lahore, 19 December, 1939

J. L. Nehru to A. K. Fazl-ul-Huq, Allahabad, 13 November, 1939

Thank you for your letter of November 4 which I have only just received owing to my absence from Allahabad. I am sorry to learn that you have been unwell.

Like yourself I am eager that charges made against the Congress Ministries should be investigated and so far as I am concerned I shall do my best in the matter. But I do not understand how you propose to deal with the question. In your statement which was published in the Press you accused the U.P. Government by name and mentioned certain instances which you referred to as atrocities for which the Government was responsible. I completely agree that these charges against the U.P. Government should be inquired into by you and me and I suggested in my letter to you that some kind of charge-sheet might be framed for the purpose by you specifying exactly what was complained against.

The next step should be to ask the Government concerned for their reply. Having received this material further inquiry should be conducted. Any other course would be most unbusinesslike and is likely to lead nowhere. The U.P. Government, as it then existed, exists no more. But the old Ministers still exist and the present U.P. Government will no doubt give facilities to find out the truth of any matter. This present Government will certainly not err on the Congress side and if anything is likely to incline against the Congress.

May I suggest to you, therefore, that you might take the three U. P. instances to which you had referred and elaborate them, pointing out what exactly the charge is. We shall then send this both to the ex-Ministers concerned and to the present U.P. Government.

After dealing with the U.P. we might proceed with Bihar in the same way. I do not understand how any inquiry can be made without this preliminary investigation and without an opportunity being given to the persons accused of mis-government to state their case. As Premier of your province you will no doubt realise that it is unusual and extraordinary for any charge to be made against a Government without that Government being given a chance to explain its position.

While I am perfectly agreeable to spend time and energy on such an inquiry with you, you will appreciate that my time is booked up considerably in advance and during these critical days it is not easy to upset my engagements. But the procedure I have suggested above can be followed in spite of other engagements which might keep you or me occupied.

A. K. Fazl-ul-Huq to J. L. Nehru, Calcutta, 16 November, 1939

Thank you very much for your letter of November 13, from Allahabad. Since I wrote to you last I have been in communication with my friends, both Hindu and Muslim, in the various provinces in order to collect material for making out an effective tour programme. My idea is to collect reports as much as possible and then select a few typical cases. We can then go to the localities, send for the people, hear them, take evidence, and, if we find a *prima facie* case made out, we shall then decide what to do.

I wish to make one point absolutely clear. It is not from a spirit of vindictiveness or from any feeling of spite against the Congress Ministries that I am insisting on this investigation. I am very definitely of the opinion that there cannot be any lasting peace in the country unless the two major communities learn to trust each other and that they will not learn unless all causes of suspicion lurking in the mind of one against the other have been removed.

If on investigation it is found that the charges were groundless and unfounded, it would be due to the Congress Ministers for the Musalmans to say publicly that the Congress Ministers were not to blame. If, on the other hand, the charges are well-founded, we should take precautions that these things may not happen in the future. At the present moment the position is that Muslims make the charges and the Congress Ministers deny them. There is no adjudication of the points at issue and different people hold different views as to whether the charges are true or not. All this has got to be removed and the question of guilt or innocence definitely cleared and decided.

I feel that if you and I could meet and visit some of the typical localities, we might be able to come to a definite conclusion. If on the whole we find that the Congress Ministers have made mistakes, it would be a graceful act on their part to make a public acknowledgement. If on the other hand we find that the main charges have failed, it will not be necessary to bother about the minor incidents, and we can at once declare that the Congress Ministers stand absolved of all blame.

I have been unwell and I am yet not quite fit for work. I do not agree with you when you say that the present U.P. or other (Section 93) Governments are likely to incline against the Congress. I do not think this is the correct position. Somehow or other the officials from the highest downwards have to bear the brunt of the charges and they are themselves in the position of the accused. They will, therefore, try to

belittle the charges and to support the Congress, not because they are in sympathy with the Congress but because they are both in the dock together.

I am extremely busy at the present moment with the arrival of the new Governor and the opening of the two Houses of the Legislature for the winter session.

Hope you are keeping well.

J. L. Nehru to A. K. Fazl-ul-Huq, Allahabad, 18 November, 1939

I thank you for your letter of November 16, 1939. I note that you are very busy at the present moment and that you will communicate with me again on the subject.

You do not say anything about the course that I suggested to you in my previous letter. This was that certain specific instances should be put down and the charges against the Congress Ministers should be detailed. The Congress Ministers concerned should then be asked to let us have their version of the facts. If necessary the present Government in the province might be requested to help us in the matter.

It is immaterial whether this Government is partial or impartial. We want to get at facts if they can supply them. Having got these facts we can go through them and take such other steps as may be necessary. An investigation without this preliminary and essential survey would be entirely pointless as well as unfair to the parties concerned. You will agree with me that a vague talk of investigation without taking these preliminary steps would be most unbusinesslike.

In your first statement you mentioned two or three instances in the U.P., namely, Tanda, the Cawnpore firing and the Khaksars in the U.P. These three are definite instances on which presumably you based your charge against the Congress Ministry in the U.P. I suggest that we might take these three and find out what the facts were.

The question before us relates to the behaviour of the Congress Ministers and not to local officials and the like. This behaviour of the Congress Ministry depends on their general policy as well as the particular orders issued by them to the local officials. All these can only be got from headquarters and not locally. I am personally quite willing to have the local investigation on a particular case where this is necessary. But this can follow other real investigation.

It might be helpful also for purposes of comparison to have certain facts about services, etc., and the policy that the various Governments have pursued in the matter, both in Bengal and the Punjab, as well as

in the other provinces in India.

I entirely agree with you that we shall proceed about this business without any spirit of vindictiveness or any feeling of spite, but with a desire to get at the truth and to remove misapprehensions. It is our earnest desire that Hindus and Muslims as well as others who live in India should learn to trust each other and should remove all suspicions which might lurk in their minds of each other's motives.

A. K. Fazl-ul-Huq to J. L. Nehru, Calcutta, 22 November, 1939

Thank you for your letter of November 18. I am very busy just at the present moment, and I am only writing to acknowledge your letter. I shall send you a detailed reply later on.

J. L. Nehru to A. K. Fazl-ul-Huq, Allahabad, 1 December, 1939

I have been anxiously waiting for a further letter from you regarding the inquiry into "Congress atrocities" which you have suggested. I trust that this matter will be dealt with as soon as possible.

In my previous letter I had requested you to send me some details of the charges against the Congress Ministers that you had in mind. In your first statement you stated that "you have got definite evidence that most inconceivable atrocities have been committed". May I suggest again that you should send me this evidence.

A. K. Fazl-ul-Huq to J. L. Nehru, Calcutta, 2 December, 1939

Thank you very much for your letter of December 1. I am collecting facts regarding various questions on which our inquiries may be concentrated, and I shall let you have the copies of the reports I am writing as soon as they are ready. I hope to be able to furnish you with the papers before Christmas.

I am extremely in earnest about this matter and I am sure I will be able to place some definite material in your hands in the near future.

J. L. Nehru to A. K. Fazl-ul-Huq, Bombay, 13 December, 1939 (telegram)

Sir Abdullah Haroon makes extraordinary statement that I have withdrawn from inquiry proposed by you. Consider publication [of] our correspondence necessary. Please wire your consent.

A. K. Fazl-ul-Huq to J. L. Nehru, Calcutta, 15 December, 1939 (telegram)

No objection to your publishing our correspondence.

J. L. Nehru to A. K. Fazl-ul-Huq, Bombay, 16 December, 1939

I thank you for your telegram of December 15, stating that you have no objection to the publication of our correspondence. Accordingly I am issuing this correspondence to the Press together with a brief note, a copy of which I enclose.

In your letter dated November 4 you stated, "I feel very strongly that this question of alleged excesses committed on Muslims by the Congress Ministries should be settled once for all. I am, therefore, much obliged to you for having accepted my invitation to participate in the inquiry. Nothing but good can come out from such joint efforts if made honestly and in the right spirit."

It now appears from a press statement issued by you that you do not wish to proceed with this matter any further so far as your challenge or offer to me was concerned and that you propose to place the evidence you possess or may gather before a Royal Commission which has been suggested by Mr. Jinnah. I do not know whether such a Royal Commission is going to be appointed by anybody, and if it is appointed what its fate will be. But in any event it is clear that nothing can be done in this respect for a long time to come.

I take it, therefore, that the matter ends so far as your previous offer was concerned. I regret this as I was happy to accept your offer in the hope, which you have yourself expressed, that this question of alleged excesses should be settled once for all. I should like to assure you that I am still ready to deal with this matter, together with you, in accordance with your previous suggestion.

77

M. A. JINNAH-JAWAHARLAL NEHRU CORRESPONDENCE DECEMBER 1939

J. L. Nehru to M. A. Jinnah, Allahabad, 1 December, 1939

When we met last in Delhi, it was agreed that we should meet again to discuss various aspects of the communal problem. You told me that on your return to Bombay you would write to me, suggesting some date for such a meeting. I have been looking forward to your letter since then. I hope that whenever it is convenient for you to fix a date, you will kindly let me know.

Sir Stafford Cripps is coming to India soon and is likely to spend two or three weeks in this country. He is on his way to China. I do not yet exactly know when he will reach here, but probably he will come in about a week's time. During his brief stay in India he would like to meet you if that is possible. I do not know his programme at all, nor do I know what cities he intends visiting. But I take it that he will go to Bombay. Could you kindly let me know if you are likely to be in Bombay about the third week of this month or later? This information might help him to arrange his programme. He is coming by air and will land in Allahabad.

M. A. Jinnah to J. L. Nehru, Bombay, 4 December, 1939

I am in receipt of your letter of the 1st December and I thank you for it. As at present advised I hope to be in Bombay for the next two or three weeks, and if it is convenient to you I shall be very glad to see you and fix up any date that may suit you. Please, therefore, let me know what date and time will suit you.

Source: Durlab Singh (ed.), *A Complete Record of Unity Talks* [between Jinnah and Congress Leaders], The Hero Publications, Lahore, n.d. (? 1945), Part IV, pp. 3-14.

As regards Sir Stafford Cripps I received a letter from him and I have already replied to him, care of your address, as directed by him, and, as I have already stated, I shall be here in Bombay and he is arriving at Allahabad on the 8th, as I understand from his letter. I shall be very glad to see him when he is in Bombay. On hearing from him I shall fix up also the date and time that may suit him.

J. L. Nehru to M. A. Jinnah, Allahabad, 9 December, 1939

Two days ago I sent you a letter informing you that I intended going to Bombay soon and hoped to meet you there. Yesterday morning I read in the newspapers your statement fixing December 22 as a "Day of Deliverance" and thanks giving as a mark of relief that the Congress Governments have at last ceased to function. I have read this statement very carefully more than once and have given 24 hours' thought to the matter. It is not for me in this letter to enter into any controversy about facts or impressions or conclusions. You know my views about these, formed, I hope, in all earnestness and with all desire to find the truth. It may be that I am mistaken, but I have sought more light and that light has not come. But what has oppressed me terribly since yesterday is the realisation that our sense of values and objectives in life and politics differ so very greatly. I had hoped after our conversations that this was not so great. But now the gulf appears to be wider than ever. Under these circumstances I wonder what purpose will be served by our discussing with each other the problems that confront us. There must be some common ground for discussion to yield fruit. It think I owe it to you as well as to myself to put this difficulty before you.

You were good enough to show me in Delhi a letter you had received from Bijnor. I enquired into this matter and I am informed that the version of facts given to you is not correct and is wholly misleading. If you would care to have an explanation of what happened I could obtain it for you from Bijnor. For this purpose I would like to have a copy of the letter you showed me in Delhi.

M. A. Jinnah to J. L. Nehru, Bombay, 13 December, 1939

I am in receipt of your letter of the 9th December. I did not know where to address my reply to you as your movements were reported in the press to be uncertain. The latest announcement [says] that you are arriving in Bombay on the 14th of December, and I am, therefore, sending this letter to your Bombay address.

I quite agree with you that "there must be some common ground

for discussion, some common objective aimed at for that discussion to yield fruit". That is the very reason why I made it clear in our conversation at Delhi in October last to Mr. Gandhi and yourself, first, that so long as the Congress is not prepared to treat the Muslim League as the authoritative and representative organisation of the Musalmans of India, it was not possible to carry on talks regarding the Hindu-Muslim settlement, as that was the basis laid down by the Working Committee of the All India Muslim League, and, second, that we cannot endorse the Congress demand for the declaration, as laid down in the resolution of the Working Committee confirmed by the All India Congress Committee on 10th October, 1939, apart from the nebulous and impracticable character of it, till we reach an agreement with regard to the minority problem. The Muslim League also was not satisfied with the declaration made by the Viceroy. If happily we could settle the Hindu-Muslim question, then we would be in a position to evolve an agreed formula for a declaration by His Majesty's Government that would satisfy us. Neither the first nor the second suggestion of mine was acceptable to Mr. Gandhi or to yourself at Delhi, but you were good enough to express your wish that you would like to meet me again, and I said that I would be always glad to see you in reply to your letter of the 1st December, expressing your wish to see me in Bombay. I informed you that I shall be in Bombay till the third week of December and I shall be glad to see you, and I can only say that if you desire to discuss the matter further, I am at your disposal.

As regards your reference to the Bijnor incident I am sure that you will agree with me that it requires a thorough judicial examination and enquiry before any conclusion can be arrived at, and it is hardly worth our while to deal with one instance, for in my judgment the whole working of the constitution and our charges against the Congress Governments must be thoroughly examined by a Royal Commission.

J. L. Nehru to M. A. Jinnah, Bombay, 14 December, 1939

Thank you for your letter of the 13th December which was delivered to me in the forenoon to-day on my arrival here. I sent you my last letter from Allahabad after reading and giving full thought to your statement about the celebration of "a day of deliverance and thanksgiving" by the Muslims. This statement had distressed me greatly, as it made me realise that the gulf that separated us in our approach to public problems is very great. In view of this fundamental

difference, I wondered what common ground there was for discussion, and I put my difficulty before you. That difficulty remains. In your letter you have emphasized two other preliminary conditions before any common ground for discussion can arise. The first is that the Congress must treat the Muslim League as the authoritative and representative organisation of the Musalmans of India. The Congress has always considered the League as a very important and influential organisation of the Muslims and it is because of this that we have been eager to settle any differences that may exist between us. But presumably what you suggest is something more and involves some kind of repudiation by us of our dissociation [*sic.*] from other Muslims who are not in the League. There are, as you know, a large number of Muslims in the Congress, who have been and are our closest colleagues. There are Muslim organisations like the Jamiat-ul-Ulama, the All India Shia Conference, the Majlis-i-Ahrar, the All India Momin Conference, etc., apart from trade unions which have many Muslims as their members. As a general rule, many of these organisations and individuals have adopted the same political platform as we have done in the Congress. We cannot possibly dissociate ourselves from them or disown them in any way.

You have rightly pointed out on many occasions that the Congress does not represent every body in India. Of course not. It does not represent those who disagree with it, whether they are Muslims or Hindus. In the ultimate analysis it represents its members and sympathisers. So also the Muslim League. But there is this vital difference that while the Congress by its constitution has its membership open to all who subscribe to its objectives and methods, the Muslim League is only open to Muslims. Thus the Congress constitutionally has a national basis and it cannot give it up without putting an end to its existence. There are many Hindus, as you know, in the Hindu Mahasabha who oppose the idea of the Congress representing the Hindus as such. Then there are the Sikhs and others who claim that they should be heard when communal matters are considered.

I am afraid, therefore, that if your desire is that we should consider the League as the sole organisation representing the Muslims to the exclusion of all others, we are wholly unable to accede to this. It would be equally at variance with facts if we made a similar claim for the Congress, in spite of the vastness of the Congress organisation. But I would venture to say that such questions do not arise when two organisations deal with each other and consider problems of mutual

interest.

Your second point is that the Muslim League cannot endorse the Congress demand for a declaration from the British Government. I regret to learn this, for this means that, apart from communal questions, we differ entirely on purely political grounds. The Congress demand is assentially for a declaration of war aims and more especially for a declaration of Indian independence and the right of the Indian people to frame their own constitution without external interference. If the Muslim League does not agree to this, this means that our political objectives are wholly dissimilar. The Congress demand is not new. It is inherent in Article 1 of the Congress and all our policy for many years past has been based on it. It is inconceivable to me how the Congress can give it up or even vary it. Personally I would be entirely opposed to any attempt at variation. But this is not a personal matter. There is a resolution of the All India Congress Committee, endorsed by a thousand meetings all over India, and I am powerless to ignore it.

It thus seems that politically we have no common ground and that our objectives are different. That in itself makes discussion difficult and fruitless. What led me to write my last letter to you also remains—the prospect of a celebration of a Day of Deliverance by the Muslims, as suggested by you. That raises very vital and far-reaching issues, in which I need not go now, but which must influence all of us. That approach to the communal problem cannot be reconciled with an attempt to solve it.

I feel, therefore, that it will serve little purpose for us to meet at this stage and under these conditions with this background. I should like to assure you, however, that we are always prepared to have free and frank discussions of the communal or other problems as between the Congress and the League. I note what you say about the Bijnor incident. It is our misfortune that charges are made in a one-sided way and they are never inquired into or disposed of. You will appreciate that it is very easy to make complaints and very unsafe to rely upon them without due inquiry.

M. A. Jinnah to J. L. Nehru, Bombay, 15 December, 1939

I am in receipt of your letter of the 14th December, 1939, and I am sorry to say that you have not appreciated my position with regard to the second point. I did not say that the Muslim League cannot endorse the Congress demand for a declaration from British Government. What

I have said was that we cannot endorse the Congress demand for declaration as laid down in the resolution of the Working Committee and confirmed by the All India Congress Committee of the 10th October, 1939, for the reasons I have already specified in my letter.

If this resolution of the Congress cannot be modified in any way, and as you say that personally you would be entirely opposed to any attempt at variation of it, and as you make it clear that you are wholly unable to treat with the Muslim League as the authoritative and representative organisation of the Musalmans of India, may I know in these circumstances what do you expect or wish me to do ?

J. L. Nehru to M. A. Jinnah, Bombay, 16 December, 1939

Thank you for your letter of December 15th. I realise the difference you have pointed out. Of course the Muslim League cannot oppose the idea of any declaration. What the Congress had asked for was an enunciation of war aims and a recognition of India's independence and the right of her people to frame their constitution, a right that must necessarily be inherent in independence. All these are basic principles which flow from our objective of independence, and, as the Muslim League has the same declared object, there should be no difference of opinion about them. In the application of these principles many important matters will no doubt have to be considered. But so far as the basic demands are concerned, they are of the very essence of Indian nationalism. To give up or to vary them materially is to knock down our case for independence.

In regard to the war also the Congress has repeatedly declared its policy during the last eleven years. The present declaration is a logical outcome of that policy. I have personally had some share in shaping this policy and I have attached importance to it. You will appreciate that it is exceedingly difficult, apart from the question of desirability, to vary such long-established and fundamental policies. These policies are political in their essence and, I would venture to say, are the only policies which flow from a demand for Indian freedom. Details may be considered and discussed, their application should be worked out in mutual co-operation and, in particular, the interests of various groups and minorities should be considered carefully and protected. But [to] challenge the very basis of that declaration is to demonstrate that here is a great difference in political outlook and policies. This, as such, has nothing to do with the Hindu-Muslim problem. It is because of this that I feel that there is little in common in our political objectives.

May I say again that no one on our behalf, so far as I know, challenges or minimises the authority, influence and importance of the Muslim League. It is for this reason that we have been eager to discuss matters with it and to arrive at a satisfactory solution of the problems that confront us. Unfortunately we never seem to reach even the proper discussion of these problems as various hurdles and obstructions, in the shape of conditions precedent, come in our way. These conditions precedent, as I have ventured to point out to you, have far reaching significance. I do not know why they should be allowed to obstruct all progress or prevent us from considering these problems. It should not be difficult to remove these hurdles and come to grips with the subject itself. But as these hurdles continue and others are added to them, I am compelled to think that the real difficulty is the difference in political outlook and objectives.

At the present moment, the decision to have an India-wide demonstration on December 22 has added a psychological barrier which effectively prevents mutual approach and discussion. I regret this exceedingly and have earnestly wished that you would see your way to remove this barrier which is leading and can only lead to ill-will. I still hope that you may be able to do so.

I do wish to assure you that for my part I do not want to leave any stone unturned which can lead to mutual understanding and settlement. But you will not have me, as I do not want to have you, leave integrity of mind and purpose in pursuit of anything. Nothing worthwhile can be gained that way. I have deep political convictions and I have laboured in accordance with them these many years. I cannot leave them at any time, much less now when the world is in the throes of a terrific crisis.

PART VIII

The Deliverance

78

INDIAN NATIONAL CONGRESS WORKING COMMITTEE RESOLUTION ORDERING CONGRESS PROVINCIAL GOVERNMENTS TO RESIGN : WARDHA : 22-23 OCTOBER 1939

The Working Committee is of opinion that the Viceroy's statement in answer to the Congress invitation for a clear declaration of the British war aims, particularly in their application to India, is wholly unsatisfactory and calculated to rouse resentment among all those who were anxious to gain, and are intent upon gaining India's independence. This invitation was made not only on behalf of the people of India, but for millions of people all over the world, who were weary of war and violence, and Fascist and imperialist systems which exploited nations and peoples and were ultimately the causes of war, and who yearned for a new order of peace and freedom. The Viceregal statement is an unequivocal reiteration of the old imperialistic policy. The Committee regard the mention of the differences among several parties as a screen to hide the true intention of Great Britian. What the Committee had asked for was a declaration of war aims as a test of Britain's *bona fides* regarding India, irrespective of the attitude of opposing parties and groups. The Congress has always stood for the amplest guarantee of the rights of minorities. The freedom the Congress claimed was not for the Congress or any particular group or community, but for the nation and for all communities in India that go to build that nation. The only way to establish this freedom and to ascertain the will of the nation as a whole is through a democratic process which gives full opportunity to all. The Committee must therefore, regard the Viceroy's statement as in every way unfortunate. In the circumstances, the Committee cannot possibly give any support to

Source : *The Indian Annual Register 1939,* Calcutta, 1940, Vol. II, pp. 236-237.

great [*sic.*] Britain, for it would amount to an endorsement of the imperialist policy which the Congress has always sought to end. As a first step in this direction the Committee call upon the Congress Ministries to tender their resignations.

The Committee earnestly appeal to the nation to end all internal controversies in this hour of great crisis and call upon all Congress Committees and congressmen [*sic.*] generally to be prepared for all developments and eventualities, and to show restraint of word and deed so that nothing may be said or done which is not in keeping with India's honour or the principles for which the Congress stand. The Committee warn Congressmen against any hasty action in the shape of civil disobedience, political strikes and the like. The Committee will watch the situation and the activities of the British Government in India, and will not hesitate to guide the country to take further steps whenever the necessity for this arises. The Committee desire to impress upon all Congressmen that a programme of resistance, commensurate with the magnitude of the issue before the country, requires perfect discipline within Congress ranks and the consolidation of the Congress organisation.

The Working Committee realise that the non-violent resistance offered by the Congress in the past has sometimes been mixed with violence. The Committee desire to impress upon all Congressmen that any resistance that may have to be offered must be purged of all violence and to remind them of the pledges taken to this effect as early as 1921 during the Congress session at Ahmedabad and repeated on many subsequent occasions.

79

THE MARQUESS OF SALISBURY ON CONGRESS DECISION TO RESIGN FROM PROVINCIAL GOVERNMENTS : HOUSE OF LORDS : 2 NOVEMBER 1939

My Lords, I confess I regret very much the speech to which we have just listened, not, of course, that it falls short of the very high standard which the noble Viscount [*Viscount Samuel*] has always shown in the speeches which he has delivered in this House. There was a lucidity and ability about the speech which must have impressed all your Lordships, but I cannot think he was wise in taking the present opportunity to raise this very difficult subject. He said at the beginning of his speech that he was not anxious to embarrass the Government ; I think he said he was not anxious to embarrass the Viceroy. Well, I am affraid he will be disappointed. I suspect he has embarrassed both of them. I cannot think why he was not content to allow the situation to develop in India as it is developing. The Viceroy is doing his utmost to find his way through a very delicate situation, trying to reconcile conflicting claims and conflicting interests. Why should the noble Viscount charge in, and try to put pressure upon the Government and the Viceroy in order that they should go further than in their real judgment they desire to do ? I regret very much the line he has taken.

In my humble judgment I have no criticism to make of the action which the Viceroy is taking at this moment. I think he is doing his utmost to make the Government of India Act work. The noble Viscount probably knows that some of us were very much opposed to the Government of India Act, but we have always thought that, once it was

Source : *Parliamentary Debates*, House of Lords, 5th Series, Vol. 114, 2 November, 1939, cols. 1674-1679.

passed, an attempt ought to be made to work it. And the noble Viscount does not want to work it, he wants to alter it. After these very few years, and with hardly any experience of how it works in the Provinces, the noble Viscount says, "Oh, well, time is going on and these Indian statesmen are getting tired." What are two or three years in working this tremendous change in India ? I must say I am astonished at the noble Viscount.

I hold no brief, as I say, for the Government of India Act. I believe it to be quite unworkable. I thought so at the time it was passed, and I have seen nothing to change my view. Of course, it has not been tried out yet. I do not think it has worked especially well in the Provinces, but in the Centre no attempt has been made yet to work it, and, as far as I can judge from the news which reaches all of us in the newspapers, great difficulties have developed in consummating the central organization, which occupied so much time of your Lordships and in another place a year or two ago. I cannot remember, I am sorry to say, although I have taken great interest in the noble Viscount's career, what part he took when the debates on the Government of India Act were proceeding. I do not think he was a member of either House of Parliament for the moment.

Viscount Samuel : I spoke in some of the debates but I did not serve on the Select Committee.

The Marquess of Salisbury : I was quite aware that the noble Viscount did not serve on the Select Committee, because I spent a good deal of time there, and I should certainly have noticed that he was one of my most distinguished colleagues. But I was not aware whether he took much part in another place in the discussions on the Bill. He was not, I think, a member of your Lordships' House. But he did not seem to realize in the speech he has just delivered the immense difficulties which confronted the solution which we had to try to produce. Above all, not only was it a question of essential difficulty, but there was an air over the whole debates that Parliament was not doing that which it thought was really best on the merits, but being gradually pressed into it, compromising upon things which its political judgment did not justify, but it saw no other way out of it. I regretted the decision. But at any rate that atmosphere showed how very difficult and intricate the subject was.

The noble Viscount seemed to dismiss in a few phrases the difficulties which took the Joint Select Committee eighteen months, I think, in trying

to solve, and the Houses of Parliament took a whole year. It is not to be done in that off-hand way. There has always been an attempt to press the solution of this problem by other means than argument. We are all familiar with the process. The whole history of the Irish question is full of it. It was sought to influence the mind of Parliament by the disorder which was produced in India. I do not attribute the responsibility for that disorder to the leading statesmen of India, but undoubtedly, by the outrages which we witnessed there, it was sought to convince [the] Parliament that something must be done. Again an attempt is being made to influence [the] Parliament by pressure other than that of arguments. It is, of course, quite obvious that these gentlemen in India—very able, distinguished men—think they can force further concessions out of this country because of the international situation. This is obviously what is happening. It is very much to be regretted. The noble Viscount said : "Why should you not treat India as you treat Canada or Australia or New Zealand ?" Does he see examples in those great Dominions of trying to put pressure on this country to make political changes because of the international situation? When they signify their wish to co-operate with this country, they do not make conditions; they do it with open hands.

What has shocked us in this country is that these Indian leaders have thought fit to use the international situation in order to promote a further step in the self-government which they desire. That is very much to be regretted, and I was glad, at the end of the noble Viscount's speech, to see he seemed to be conscious that these Indian gentlemen were not showing up very well. He said that these resignations of Governments are not the method by which you ought to promote political change. I quite agree with him. But they were no matter of surprise to us. We prophesied over and over again, in the Joint Select Committee and when the Bill was going through your Lordships' House, that this resignation of Governments was precisely the weapon which would always be used—of course it has been used—in order to force further concessions. It is not that I have any hostility whatever to the Indian people. What I should like to see is the changes which have got to be made, made with due considerations and deliberation and with much greater care than the slap-dash method which seemed to be the noble Viscount's idea.

The noble Viscount spoke of the Dominion status and of the pledges regarding Dominion status. I am not quite sure about the use of the

word "pledge". I always regret the vague use of the word "pledge" in these discussions; but undoubtedly the British Government have announced their intention on several occasions to grant Dominion status, and an announcement of that kind is a very weighty matter deserving of the most profound respect and attention. But what is meant by Dominion status? What did the noble Viscount mean when he talked just now of Dominion status? Did he mean Dominion status as it existed before the Statute of Westminster or Dominion status as it is now? He seemed to be conscious that Dominion status was wrapped up with the question of independence. Is he in favour of the independence of India? If he is not in favour of the independence of India, does he think his speech will be useful? Of course, as I understand the Dominion status to which he is looking, it is not that the new Indian Government should necessarily be independent, but that it should have the right to become independent. If I am wrongly interpreting the noble Viscount, I hope he will interrupt me.

I gather that what he meant is that the new Indian Government should have the right, if it pleases, to be independent. Is that his object? If that is the case, what becomes of all the safeguards which we discussed at such enormous length in both Houses of Parliament and in the Joint Select Committee? Why did we take so much trouble about safeguards if, in a year or two afterwards, the noble Viscount and his friends want us to put power in the hands of the Indian Parliament to become independent and sweep away every safeguard which we so carefully prepared and upon the strength and faith of which Parliament agreed to the India Act? That Act would not have had the slightest chance of passing into law but for the safeguards. Now the noble Viscount says, "Give them independence if they want it." Then what becomes of the safeguards?

There is no value in using a vague phrase like "Dominion status". What do you mean by it, and how will you deal with the essential problems which, whatever the status of India, will remain the same? What are you going to do about the primitive tribes? Who is going to protect them? Who is going to deal with the difficulty of the Princes? What is going to be done about the Scheduled Castes? Who is going to protect them? What is going to be done about [the] minorities? All these things will remain. We may use the phrase "Dominion status" until we are hoarse, but these difficulties will remain because they are essential. I do not mean to say that in course of time, with experience and with effort, solutions may not be found for them, but

they are not to be found by mere words—they are far too essential and far too difficult.

Then the noble Viscount said, "You must not pay too much attention to the Moslems; they are only one-quarter part of the Indian population." We are bound in honour to protect the Moslems. Indeed, for the British Government in the present state of international relations to be indifferent to the welfare of the Mahomedan community, would be sheer madness. The whole issue, perhaps, of the international struggle may largely depend on the frame of mind of the Mahomedan population of the world. Then the noble Viscount comes down to the House and says, "Let us solve the Indian question —give them independence or give them the right to get independence, and let them deal with the Moslems—they are only a minority." A famous statesman once said, "Minorities must suffer". No doubt they must, but this country has got to fulfil its obligations of honour, and we are bound in honour to the various communities I have mentioned. We are bound to the primitive tribes, we are bound to the Scheduled Castes, we are bound to the Princes by treaties which cannot be broken, and we are bound, of course, to the minorities.

I regret, therefore, that the noble Viscount has thought fit to bring once more before the public, and before the Indian public especially, all these very delicate matters. They cannot be solved by merely mouthing the words—the noble Viscount will forgive me; that is, of course, not a very civil phrase; his eloquence is far too high for any word of mine to say anything against it; I do not mean that —but the mere repetition of the words "Dominion status" does not solve these problems. I look to time to solve the Indian problem and I look to inquiry certainly. By all means, when the war is over and when we can have regard to these subjects tranquilly and quietly, let us inquire again, if we are so minded and if the Indian people want us to do so, into the proper solution of the federal difficulty. But do not let us be pressed into it by the international difficulties elsewhere. Do not let us encourage the idea that, whenever Great Britain is in trouble or in difficulty, anybody who has claims against her can press forward those claims in the belief that she is sure to give way and that they are sure to get something of what they want.

80

THE SECRETARY OF STATE FOR INDIA ON CONGRESS DECISION TO RESIGN FROM PROVINCIAL GOVERNMENTS : HOUSE OF LORDS : 2 NOVEMBER 1939

My Lords, the Secretary of State for India in these days is always very apt to find himself in the most unhappy position between the hammer on the left and the anvil on the right.

Lord Srabolgi : The sickle !

The Marquess of Zetland : No, not the sickle. If I happened to be of a cynical turn of mind, I might suggest that he finds himself, after listening to the duel of eloquence which your Lordships have just enjoyed, in the position of *tertius gaudens.* But that is not the position in which, as a matter of fact, I find myself. I know quite well that the noble Marquess [of Salisbury] was always doubtful of the wisdom of the Act of 1935. He always held perfectly sincere doubts as to the workability of the Act, and we all respect the sincerity of his beliefs. I disagreed with him in those early days and on that matter I disagree with him still. I am bound to say that on the whole the provisions of the Act under which the Ministries were set up in the Provinces of British India have been fully justified, even by the short experience of some two or three years which we have hitherto had of their working.

The noble Viscount [Lothian] spoke about federation. He told us that in the course of his tour in India he found that on all sides there was agreement that the Central Government of India must be federal in character, though he told us that there were objections raised by the different parties concerned to the particular form of federation or to some parts of the form of federation embodied in the Act of 1935. Very

Source *Parliamentary Debates,* House of Lords, 5th Series, Vol. 114, 2 November, 1939, cols. 1679-1682.

well, then. The noble Viscount agrees that federation is the necessary form of Government for the Centre in the circumstances of India. But then the noble Viscount said, "You have promised India Dominion status ; but it is always coming; it never comes. It is your aim. What have you done to give effect to your intention?" And I rather gathered from the speech of the noble Viscount that he thought we could bring Dominion status and federation into effect tomorrow if only we had the will to say so. He spoke of the pledge given by my noble friend the Foreign Secretary [the Morquess of Halifax, formerly Lord Irwin] when he said that the natural issue for India was the attainment of Dominion status. His comment on that was that that was in 1929, ten years ago. Does the noble Viscount suggest that a federation could be formed before your units have come into existence ? Surely the purpose of one part of the Act of 1935 was to create the units which would subsequently be federated.

The noble Viscount may think that we took a long time in drawing up the provisions of the Act of 1935. Well, we did; but if he had been a member, not only of the Joint Select Committee, of which the noble Marquess was a member, but also of those series of Round-Table Conferences with Indians themselves which preceded the drafting of the Act and the work of the Joint Select Committee, I think he would realize a little more clearly than perhaps he does today the extraordinary difficulties and the complexity of the problem which we have to try to solve. He made some references to the Viceroy's statement. He said that the promise contained in it, that at the end of the war we would take into consultation the leaders of the various communities and parties interested with a view to effecting such modifications of the federal provisions of the Act as might then seem desirable, was all to the good. But he said very little of what we are proposing to do pending the end of the war.

I cannot agree with him if he thinks that you could redraft the federal provisions of the Act with a view to bringing a federation into existence while we are all burdened with the task of carrying on a life and death struggle, as I have said before; but we do agree that it is quite natural that the leaders of Indian public opinion should desire to be associated in some way with the Central Government during the progress of the war, and it was with a view to bringing them into close association with the Central Government that we did propose the consultative body of which I spoke to your Lordships when I addressed you on this matter a fortnight ago. That was a perfectly sincere and genuine attempt to

associate the leaders of the Indian political Parties with the Central Government in the conduct of the war. And I remember observing to your Lordships that in my opinion it would have possessed three different advantages.

First, it would have enabled the Governor-General to communicate to the leaders of the political Parties confidential information. The second advantage would have been that it would have enabled them to express freely and frankly to the Governor-General their views upon the measures which the Government were proposing to take ; and since the whole idea of it was conceived upon the assumption that there would be good will on both sides, that the Governor-General and the members of this body would be collaborating for a common purpose which it is perfectly well known all of them have at heart—namely, the successful prosecution of the war—I regarded it as axiomatic, and I still regard it as axiomatic, that the Viceroy would have attached the utmost weight to views expressed by the members of such a body in such circumstances. Thirdly, I said that it would in my view have this advantage, that since the representatives of the different communities would be working in close association not only with the Governor-General but with one another, it would tend to lessen the differences by which they are at present divided, and would bring to the surface such a measure of common ground as could justify us in inviting them to become associated with the Government in an even more responsible position. I regret profoundly that the proposal does not appear to have been received in India in the spirit in which it was given.

Meanwhile, these communal differences persist, and I need not lay stress upon them. They are known to your Lordships. The manifesto of the All-India Moslem League as well as the manifesto of the Congress are in your Lordships' possession and printed in the White Paper, and it may not have escaped the attention of your Lordships that ever since then the leader of the All-India Moslem League has issued a statement which appeared in the pages of the *Manchester Guardian* only a few days ago. I do not want to underline the differences, but they cannot be ignored. You have got to try, somehow or other, to reconcile them. What in those circumstances is the path of wisdom? Surely the path of wisdom in those circumstances is to invite the leaders in the first instance of the two main communities, the Hindus as represented by the Congress and the Moslems as represented by the All-India Moslem League, to

meet under the auspices of a neutral to discuss their differences frankly and to see whether they cannot find some solution of them. That is precisely what the Viceroy is doing at the present moment.

18

M. A. JINNAH'S STATEMENT APPEALING FOR THE OBSERVANCE OF A DELIVERANCE DAY TO MARK THE END OF CONGRESS RULE : BOMBAY : 2 DECEMBER 1939

I wish the Musalmans all over India to observe Friday the 22nd December as the "Day of Deliverance" and thanksgiving as a mark of relief that the Congress regime has at last ceased to function. I hope that the provincial, district and primary Muslim Leagues all over India will hold public meetings and pass the resolution with such modification as they may be advised, and after Juma prayers offer prayers by way of thanksgiving for being delivered from the unjust Congress regime. I trust that public meetings will be conducted in an orderly manner and with all due sense of humility, and nothing should be done which will cause offence to any other community, because it is the High Command of the Congress that is primarily responsible for the wrongs that have been done to the Musalmans and other minorities.

Resolution:

This public meeting of the Musalmans of (*name of the place*) records its opinion that the Congress Ministry has conclusively demonstrated and proved the falsehood of the Congress claim that it represents all interests justly and fairly, by its decidedly anti-Muslim policy. It is the considered opinion of this meeting that the Congress Ministry has failed to safeguard the rights and interests of the Musalmans and other minorities.

That the Congress Ministry both in the discharge of their duties

Source : *Some Recent Speeches and Writings of Mr. Jinnah* (ed. by Jamiluddin Ahmad), Lahore, 5th. ed. 195 Vol. I, pp. 110-112.

of the administration and in the legislatures have done their best to flout the Muslim opinion, to destroy Muslim culture, and have interfered with their religious and social life, and trampled upon their economic and political rights; that in matters of differences and disputes the Congress Ministry invariably have sided with, supported and advanced the cause of the Hindus in total disregard and to the prejudice of the Muslim interests.

The Congress Governments constantly interfered with the legitimate and routine duties of district officers even in petty matters to the serious detriment of the Musalmans, and thereby created an atmosphere which spread the belief amongst the Hindu public that there was established a Hindu raj, and emboldened the Hindus, mostly Congressmen, to ill-treat Muslims at various places and interfere with their elementary rights of freedom, therefore, it expresses its deep sense of relief at the termination of the Congress regime in various provinces and rejoices in observing this day as the "Day of Deliverance" from tyranny, oppression and injustice during the last two and a half years, and prays to God to grant such strength, discipline and organisation to Muslim India as to successfully prevent the advent of such a ministry again and to establish a truly popular ministry which would do even justice to all communities and interests.

This meeting urges upon His Excellency the Governor of (*name of the province*) and his Council of Advisers to enquire into the legitimate grievances of the Musalmans and the wrongs done to them by the outgoing Congress Ministry, and redress the same at the earliest moment in accordance with the announcements that have been made by the Governors in taking over the Governments of various provinces under Section 93 of the Government of India Act of 1935 and thus assure [the] people that the new regime stands for even justice to all communities and interests concerned.

82

M. A. JINNAH'S STATEMENT ABOUT THE OBSERVANCE OF A "DELIVERANCE DAY" : DECEMBER 1939

A great deal of unnecessary controversy has arisen over my appeal to Muslims to celebrate December 22 as a day of deliverance from oppression and, since the guilty do not admit their guilt and public memory is short, I consider it advisable to briefly trace the events that led to the reasons that prompted this appeal.

To commence with, the suggested resolution says nothing more or less than has been said on many previous occasions. The very first complaint against Congress rule was made by me very shortly after they took office and, in my speech at the Lucknow session of the Muslim League, 1937, I complained against the compulsory singing of Bande Mataram, the question of the Congress flag and the supplanting of Urdu by Hindi and even then I called upon the Governors to exercise their special powers.

From then onwards the Congress caucus, like the proverbial steam-roller, gathered speed and complaints of oppression began to pour into the central office. These became so numerous that the Council decided to appoint, in March 1938, the Pirpur Committee which, after an elaborate and painstaking investigation over all the Congress provinces, submitted its report at the Patna session in December 1938.

The following resolution was there passed at a full session:—

> "That having regard to the atrocities that have been committed and that elementary rights of the Muslims have been trampled upon in a systematic manner in Bihar, U.P. and C.P. and that the Governors of these provinces have failed to redress their grievances or protect even the elementary rights of the Musalmans in these

Source : *Some Recent Speeches and Writings of Mr. Jinnah* (ed. by Jamiluddin Ahmad), Lahore, 5th. ed. 1952, Vol. I, pp. 112-120.

provinces in spite of all constitutional method adopted so far by the Muslims, this session of the All India Muslim League is, therefore, of opinion that the time has now come to authorise the Working Committee of the All India Muslim League to decide and resort to 'Direct Action' if and when necessary."

During this time, in order to prevent direct action being resorted to, I was repeatedly urging upon [the] Governors and the Governor-General, in person and by correspondence, to exercise their special powers and to take executive action to safeguard the rights and interests of the minorities placed by the Constitution under their protection, and it was only on the 17th April, 1939, that the Viceroy intimated that he would take up the matter.

As regards the Congress Ministries, our complaints were dismissed as false, frivolous and vexatious, and even Mr. Gandhi, before whom I placed our charges as far back as May 1938, side-tracked the question by writing : "I believe Congress Committees have been advised to avoid as far as possible all occasions of friction over Bande Matram and the flag . . . The first two demands have come upon an unexpecting public. Nevertheless they undoubtedly have to be examined on their merits, but it does not appear to me to be fair to anticipate the result of the joint committees which I hope will come into being without any hitch . . . ".

With no redress, Muslims in certain provinces grew restive and, in the C.P., ignoring the Working Committee altogether, resorted to direct action over the Vidya Mandir scheme.

I may state here that at no stage did the Working Committee favour or encourage direct action and on request being received from Bihar, in July 1939, for permission to launch direct action, the Working Committee directed the Bihar Muslim League to place the whole case before the Governor-General, the Governor and the Prime Minister and to report later the result of their representation. Similar advice was given to the other Muslim Leagues who contemplated similar measures.

Complaints, however, continued to pour in and on the 27th August, 1939, the Council of the League at Delhi passed the following resolution :—

"(*a*) Resolved that this Council, while deploring the policy of the British Government towards the Muslims of India by attempting to force upon them against their will a constitution and in particular the Federal Scheme, as embodied in the Government of India Act, 1935, which allows a permanent hostile communal majority to

trample upon our religious, political, social, and economic rights, and the utter neglect and indifference shown by the Viceroy and the Governors in the Congress-governed Provinces in exercising their special powers to protect and secure justice to the minorities . . .".

In September, war was declared and on the 17th of that month the Working Committee reaffirmed the above resolution as one of the fundamental conditions of Muslim support and the Viceroy, realising the gravity of the situation, pressed Mr. Gandhi and the Congress leaders to come to an agreement with the Muslim League in the provincial sphere on a coalition basis for at least the duration of the war.

Consequently Babu Rajendra Prasad wrote on the 5th October that the Congress was prepared to request Sir Maurice Gwyer or some other suitable person to investigate only any specific charges which the Muslim League might formulate against the Ministries of the Congress-governed Provinces.

I considered this proposal unsound and unpractical for the following reasons. First, legally and constitutionally, the Congress Working Committee has no place or power in the Constitution. Secondly, the complaints of the Muslims and other minorities were directed against the governments of certain provinces who were responsible to the legislatures and the electorates and not to the Working Committee. Thirdly, the proposed resolution of the Working Committee could not confer upon the contemplated tribunal the necessary power to summon witnesses and administer oaths. Nor could the tribunal compel the production of documents that might be required and, finally, I wished to know to whom the tribunal was to report and who would be the final authority to take action, if any, against the ministries.

If this final authority was the Working Committee, I pointed out that, in my opinion, it was the Working Committee itself that was primarily responsible for the injustices and the wrongs committed and I also could not believe that any adequate action would be taken against the ministries in view of the fact that the working Committee had already decided that the Muslim League's charges were false and unfounded.

I also informed Babu Rajendra Prasad that I had already placed the whole matter before the Governor-General and had requested him to take executive action without delay to safeguard and to secure justice for the minorities.

I must explain, at this stage, that I have never asked either the

Governor-General or the Governors to act as [a] judicial tribunal as is suggested by Mr. Gandhi's appeal to me. What I asked them to do was to take executive action to redress our grievances and, by intervention, to secure justice and fair play.

Mr. Gandhi's appeal to me to await the Viceroy's opinion is, therefore, based on a wrong assumption and even intervention is not possible now that the Congress ministries have resigned. For what then should I wait ?

However, just after my letter to Babu Rajendra Prasad, the Congress ministries resigned to the very natural relief of the Muslims and other minorities, and I immediately decided to appeal for the observance of a day to express our relief and to show its intensity in a manner that would force ears that had hitherto been deaf to listen to us. I might point out that if our appeals had been heard at the proper time, no such action on our part would now be necessary.

This appeal has been variously described as ill-timed, provocative and anti-national and that the Muslims are asked to gloat over the departure of an elected government and to welcome an official administration.

I gladly deal with these points. As regards the time, my appeal could not appear before it did for reasons already made public, and its connection or effect on Pandit Jawaharlal Nehru's visit is dealt with by me at the end of my statement.

As regards provocation, let me point out the words of my appeal : "I trust that all public meetings will be conducted in an orderly manner, with due sense of humility and nothing should be done which will cause offence to any community . . . ". However, to make quite clear my insistence that the day is observed in such [a] spirit, I again state that I look to all district and primary Leagues to ensure that the meetings are held in that spirit. Let there be no hartals, processions or such demonstrations, but let a spirit of humility and a mood of reflection prevail. There is relief and gratitude in our hearts ; not joy or triumph.

Thirdly, it is extremely unfair and unjust to contend that the Muslims welcome the present administration. It is true that we urge upon them to inquire into our grievances and to redress them, but this is only because it is in their power to do so. On the other hand, my appeal emphasizes that prayers should be offered for the establishment of truly popular ministries which would do even justice to all communities and interests.

But there is one statement on my appeal that I cannot let pass coming as it does from such an authoritative source as the chairman of the Congress Parliamentary Committee. I am told that all our charges are totally false and unwarranted, and that was to be expected, but I must take notice of his declaration :—

> "Furthermore, every Premier at my instance had invited his Governor unhesitatingly to intervene in matters affecting the rights and the interests of the minorities whenever the Governor felt that the action of the ministry was not correct. When Mr. Jinnah recently made the charges, I again instructed every Premier to invite the Governor's attention to them as they also affected him and I was informed that the Governor considered the charges unwarranted."

The above statement raises a very grave issue, for it makes the Governors accessories after the fact. Let me inform Mr. Vallabhai Patel that we have overwhelming evidence in support of our case and, far from shirking an inquiry, as is suggested, I insist that a thorough inquiry should not be made by a properly constituted tribunal vested with all necessary powers, and I now ask that a Royal Commission be appointed by the British Government, of a purely judicial personnel and composed of judges of his Majesty's High Courts and under the chairmanship of one of the Law Lords of the Privy Council.

I cannot conceive any objections to this demand from the Congress or any other quarter and call upon them to support my request.

Before concluding I must deal with Mr. Gandhi's appeal and Pandit Jawaharlal's visit. I would have been inclined to respond to Mr. Gandhi's appeal had he and other Congress leaders practised what they preached about the necessity for a cordial atmosphere in which a communal agreement might be arrived at. May I remind them that a regular crusade, beginning with Mr. Gandhi himself, is being carried on against the League since the Delhi conversations took place.

Mr. Gandhi himself, since my conversation with him in Delhi in October, has, in the *Harijan*, described the Muslim League as an agent of imperialism; as an obstacle and an obstruction in the way of India's freedom and progress, and has stated that the Muslim League is insatiable in its demands since it can always look to the British Government to fulfil them. He even threatens the Muslims that though they may be holding up the country at present they cannot do so for long.

Further, the Congress press and organisation are carrying on propaganda all over India and abroad, discrediting the League and

attempting to divide the ranks of the Muslims. Let me give one out of many examples in my possession.

Mr. Gandhi is, perhaps, not aware that a secret letter from the Bihar Provincial Congress Committee, the present Congress President's own province, issued from the Sadaqat Ashram, P.O. Dighaghat, Patna, and addressed to the President of the District Congress Committee, Gaya, which was published in the *Star of India* on the 4th December and which remains uncontradicted, says:—

> "You are, I hope, convinced by this time that the one outstanding question before us, awaiting solution and thus preparing the pattern of our forward move towards our goal of self-government, is the attainment of Hindu-Muslim unity. To achieve this end, it is essential that Congress-minded and truly nationalist Musalmans of Hindustan have got to become vocal so that [a] stopper to all progress applied by the League should disappear."

It is hardly necessary for me to point out that daily propaganda on these lines has the exact results that Mr. Gandhi fears will ensure from my single appeal.

Now to deal with the chief objection raised against my appeal that it will prejudice the communal talks taking [place] between Pandit Nehru and myself. Let me inform the public that rather than approaching a settlement, as has been so readily and widely assumed, such discussions have yet to commence. The discussions between him and other Congress leaders and myself were of a purely political nature and related to the political demands made by the Congress at that time. This has been stated by [the] Congress leaders themselves. I informed them at Delhi that I could not associate the Muslim League with any joint demand to the British Government till a Congress-League agreement had first been arrived at. I also informed them that no such agreement was possible till the Muslim League was recognised as the authoritative and the representative organisation of the Musalmans of India, and, as this proposition was not acceptable to them, the talks ended on this point, and on Pandit Nehru expressing a desire to see me again, I gladly agreed and I look forward to his visit.

83

SIR RICHARD TEMPLE ON THE OBSERVANCE OF THE DELIVERANCE DAY : BOMBAY : 10 JANUARY 1940

A study of the many Press accounts, articles and commentaries on Mr. Jinnah's now famous "Day of Deliverance" leaves the impression that this truly remarkable episode in Indian history, now in the making, has not been given its proper value and that the one outstanding feature of the episode, which should appeal most strongly to every thinking man or woman in India, has been either missed altogether or not given that prominence which is clearly its due.

In order that the point here being emphasized may assume its proper proportion in the picture as a whole, it is well to tabulate the main features of the whole conception and its consummation. Here was conceived a method of registering publicly a protest in a manner that could not fail to penetrate to the consciousness of a very large proportion of the people of India capable of understanding, and many millions outside India. So bold was this conception that even among Mr. Jinnah's own supporters, many were found who lacked the courage to support him in this venture. However, with commendable steadfastness, unwavering judgment and wonderful faith in those whom he led, Mr. Jinnah refused to be shaken in his purpose, and sweeping aside all opposition carried his great conception through to its truly magnificent conclusion.

The point in question is not affected by, and has no concern in, the rights or wrongs of Mr. Jinnah's cause, nor does it affect the issue whether or not any, individually, agree with all or any part of his policy. Mr. Jinnah has his views; others have theirs. These views may or may not agree; that is a matter of personal conviction and personal taste. But it is much more than a matter of personal con-

Source : Sir Richard Temple, "Muslim Protest : A Triumph of Non-Violence" (Letter to the Editor), *The Times of India*, Bombay, 13 January, 1940.

viction or taste that Mr. Jinnah has made his protest in the best democratic tradition without dragging into the protest vilification of those who do not think like himself, nor the dogmatic abuse of any ideology or view points other than his own; that he has made that protest on an India-wide scale in the name of a community numbering a very large proportion of the whole population without one stick having been lifted or one stone thrown in anger.

That Muslims in particular should be proud of the achievement is legitimate and understandable, and that they should look upon the episode as vindicating their character as a community and giving the lie to calumnies is only natural, but the implications of this phenomenon should not be whittled down and it must be contended that this episode has demonstrated something much greater and much more heartening than any narrow or circumscribed communal issue.

It has demonstrated that the people of India are capable of disciplined, concerted political action on a large scale, and of conducting such demonstrations as these with exemplary decorum if courageously and properly led.

Surely here has been demonstrated something really great and of incalculable promise for the future. It means that it is the leadership that is at fault and not the people when Indian politics are perpetually marred by violence in deed and more particularly in thought and word; violence far in excess of anything that can be excused as natural hot-headedness characteristic of the hustings the world over. Daily and even hourly has India been accustomed to unbridled violence in thought and word even by some of the leading protagonists of non-violence. How can then the rank and file, the uneducated and the less cultured be expected to refrain from physical violence when thus inflamed?

The homage and gratitude of the people of India are due to Mr. Jinnah, not on account of the justice of his protest, nor because of any idea of vindicating the good name of Muslims, but because he has shown with great courage and pertinacity that Indians as Indians, not because they are Muslims, can be led along the path of true democracy on a very controversial political issue in the name of a great religious community without besmirching the good name of a great people by deeds of violence and vituperative language wholly unworthy of their great traditions and ancient culture.

Is it too much to hope that leaders of Indian opinion will take this lesson to heart, replace jealousy with generosity in their hearts, recognise

merit where merit is due and follow the lead? Is it beyond the capacity of at least the leading protagonists of non-violence to practise non-violence in thought and word and to recognise violence in all its forms not only in its physical and most obvious form? If they did, surely the example of this episode goes to show that to preach physical non-violence might become unnecessary. It is difficult to believe that any thinking man or woman of education and culture is opposed to the ideal of non-violence. The degree to which the ideal has been attained may be said to be the measure of civilisation reached. That it is a practical creed capable of realisation in India, Mr. Jinnah has clearly demonstrated.

The question then resolves itself into: What is meant by non-violence? Is the ideal to be limited to physical non-violence? Merely refraining from hitting someone over the head with a stick. This view does not appear to be so uncommon as might be expected and really means a touching faith that the gentleness of the masses is so superior to that of their leaders that they can be persuaded to refrain from physical violence in the face of the unbridled use of violent language by some of those very leaders. Non-violence in thought, word and deed is the ideal of many, and it is hoped is the goal of all civilisation. If non-violence is to be the professed sole basis of any particular ideology trumpeted from every house top, surely it must be a conception of non-violence greater than that common to a very large section of cultured humanity and must presuppose an ability to recognise and eschew violence in every form, however obscure and subtle.

If a threat to starve to death by a leader whose demise under such conditions might cause serious bloodshed among many innocent parties as well as among his followers, in order to force the acceptance of his views, is looked upon as non-violence, and the necessity to use in self-defence the same weapons as those used by a violent aggressor is looked upon as violence, it is quite clear that the creed of non-violence requires to be so closely defined and is capable of so many different conceptions that it is not surprising that the most famous modern Apostle of this creed found it necessary to go alone into the wilderness because he failed to convert even his closest followers to his creed.

Mr. Jinnah's conception of non-violence may not be philosophically on so high a plane as some, but it has succeeded practically, and he and those who think with him are entitled to assume that their conception is as high as the great majority of those whom they lead are today capable of digesting. Here is at least food for thought.

PART IX

Muslim Sufferings : Muslim Evidence

PART IX

Muslim Sufferings : Muslim Evidence

84

THE PIRPUR REPORT : DELHI : END OF 1938

To

M.A. JINNAH, Esqr.,
President,
All-India Muslim League,

Sir,

The Council of the All-India Muslim League passed the following resolution at its meeting, held on March 20, 1938, at Delhi :

"Whereas numerous complaints have reached the Central Office of the hardship, ill-treatment and injustice that is meted out to the Muslims in various Congress Government Provinces and particularly to those who are workers and members of the Muslim League, the Council resolves that a special committee be appointed consisting of the following members to collect all informations [*sic.*], make all necessary inquiries, and take such steps as may be considered proper and to submit their report to the President and the Council from time to time : Raja Syed Mohammad Mahdi (*Chairman*), Mr. A. B. Habibullah (*Secretary*), Khan Bahadur Haji Rashid Ahmad, Syed Ashraf Ahmad, Molvi Abdul Ghani, M.L.A., Mian Ghias-ud-din, M.L A., Syed Zakir Ali, Syed Hasan Riaz, Syed Taqi Hadi Naqvi."

In pursuance of the above resolution we started our inquiry immediately and finished our work (so far as the present report is concerned) in the last week of October, 1938.

During our extensive tour of all the six Congress Provinces, namely,

Source : *Report of the Inquiry Committee appointed by the Council of the All-India Muslim League to inquire into some Muslim Grievances in Congress Provinces*, published by the All-India Muslim League, Delhi, n.d.

the United Provinces, Bihar, Orissa, Central Provinces, Madras and Bombay, we collected both written and oral evidence from all sections of Muslims, specially the local M.L.A.s and Muslim League branches. In some parts of the country we also received co-operation from non-Muslims as well and they helped us with their evidence on important incidents. We take this opportunity of thanking all these people for providing us with valuable information which has been incorporated in this report.

Part I

GENERAL SURVEY

THE COMMUNAL PROBLEM

The communal problem in India has long defied settlement. It has been approached by the responsible leaders of various communities and political parties from different angles, but each attempt to arrive at a final and satisfactory settlement has generally resulted in increased bitterness, because, during the pendency of negotiations, it is usually the first and foremost endeavour of each party to put the other in the wrong and throw upon it the whole blame for the failure of the peace parleys. The problem is so baffling that there is a tendency on the part of some of the leaders to adopt the ostrich-like policy of ignoring the problem altogether, or at least of deferring its solution till such time as India is "free". In our humble opinion, however, the problem is a real one and the sooner it is solved the better will it be for the country. To postpone its decision is simply to create a vicious circle : the communal problem can only be solved when India is free : India can only be free when the communal problem is solved. Such a circle can lead us nowhere and will only make the country a prey to any foreign exploiter.

Recently the minorities have been asked to think in terms of international politics and appeals have been made to present a united front to protect India against the perils involved in the international situation. It has been deemed sufficient to assure the minorities in repeated resolutions, which have now assumed a monotonous formality, that their "language, culture and religion" will be protected and the minorities are expected to accept these assurances without any further safeguards. In our opinion this is a wholly incorrect approach of [*sic.*] the problem. The communal problem remains unsettled not because of the communalism of the minorities, but because of the communalism of the majorities. In each province it is for the majority community to win the confidence of the minority, and this can only be done by deeds and not by words.

No one who is familiar with Indian affairs would deny the fact that the Congress has failed to inspire confidence in the minorities and has failed to carry them with it in spite of its oft-repeated resolution guaranteeing religious and cultural liberty to the various communities because

its actions are not in conformity with its words. Consequently, though it has succeeded in bringing to its fold a few Muslims, Sikhs and Christians, the Congress continues to be a predominantly Hindu organisation and the majority of its members, in spite of their pretensions to nationalism, are still imbued with narrow communalism.

Intoxicated with power after their success in the last general election, the leaders of the Congress initiated a closed-door policy by declaring that they were opposed to the formation of coalitions or alliances with any other party in the legislatures. The fact that separation and exclusiveness is [*sic.*] not conducive to the evolution of a common national life was conveniently lost sight of in the hour of triumph.

We in India have been brought up in the traditions of the British parliamentary democracy and the constitution foisted on us is also modelled, more or less, on the British pattern. There is, however, an essential difference between the body politic of this country and that of Britain. The majority and minority parties in Britain are interchangeable: their complexion and strength go on changing with the conditions of the country. To-day a National Government is in power, but the Conservative, Liberal and Labour parties have an equal chance of running the government of the country. Here, in India, we have a permanent Hindu majority and the other communities are condemned to the position of perpetual minority. Thus it is easy for the majority to assume a non-communal label and do things communal under the cloak of nationalism.

Any attempt to apply the Western principles of nationalism without paying due regard to the peculiar conditions of the country is bound to confuse the issue. For the evolution of healthy nationalism, advancement of the country on the path of freedom, it is absolutely necessary that this problem, at once so important and so full of difficulties, should be dispassionately examined and clearly stated.

The Indian National Congress' conception of nationalism is based on the establishment of a national state of the majority community in which other nationalities and communities have only secondary rights. The Muslim think that no tyranny can be [as] great as the tyranny of the majority and they believe that only that state can be stable which gives equal rights and equal opportunities to all communities no matter how small. They attach great importance to this principle, which alone can safeguard the rights of the Muslims and other minorities. The Muslims have made it clear more than once that besides the question

of religion, culture, language and personal laws, there is another question equally important for their future. They must secure definitely their political rights and their due share in the national life, government and administration of the country.

INDIAN ECONOMIC LIFE

Peculiar Characteristics

All serious students of the Indian problem will concede that the communal question of this country is quite different from the minority problems of other countries. Attempts are often made to take examples from foreign countries and to fasten them to Indian conditions, but it is forgotten that there is no other country in the world where the curse of untouchability still prevails. Religious and linguistic differences, to a small extent, certainly do exist in other countries too, but nowhere do we find the caste system so rigid as it is to-day in India.

Vernasharam not only keeps other communities outside the fold of the Hindu community, but it also does not allow certain classes of Hindus themselves to enjoy the same privileges as are enjoyed by the "twice-born" classes. There are certain vocations of life which can only be taken up by the depressed classes or the untouchables. The sanitary work in towns, cities and villages falls to their lot alone. They alone can dispose of the dead bodies of animals, work as scavengers and sweepers and perform other menial services. Even in the performance of religious and social functions they are not allowed the same rights and facilities as are enjoyed by the "twice-born" communities.

Such being the fate of some of those classes who, though worshipping different gods, rejoice to call themselves Hindus, the position of the Muslims, who differ from the majority community not only in their religious belief, but also cling to a different cultural outlook, can very well be understood and appreciated. This difference in outlook between the various communities not only separates them politically but also divides them economically.

It is true that people of different religions, castes and creeds are found in some trades, but such cases are rare. The Government services are open to all, *but the undeniable fact remains that the caste of an individual determines his vocation* in life. The various trades in the country are more or less monopolised by different castes. If an outsider tries to enter a certain profession, not generally open to his community, he meets with serious obstacles. He is opposed not on pure business

principles: prejudices of religion and caste, more often than not, dictate the attitude of his rivals in trade towards him.

Business is thus divided into water-tight compartments. In commercial life careers are not open to talent. All communities have been effected by this system and it may safely be said that the effect of the division of economic life on the basis of caste has been so marked that in the majority of cases the religion, caste and community of a person can be inferred from his profession. Under these conditions it is even possible to damage trade interests of a particular community by enacting legislation on purely medical or sanitary grounds; and policies which, in other countries, would be purely economic are, in India generally, based upon communalism. There have been numerous instances in which discriminatory taxation has been imposed on a certain commodity on apparently economic grounds, though the real motive has been purely communal.

Thus what may appear to a foreigner a purely economic question can be the source of real friction between communities. Religious passions of the ignorant masses can be excited on a question that on the face of it appears quite harmless.

In countries where professions are freely chosen and the commercial community consists of people joined together by common interests this possibility does not exist. But, as we have pointed out above, conditions in India are quite different. In other countries a taxation measure adopted by the legislature would equally affect all communities which constitute a certain trade or profession and its consequences can be termed national. But in India the majority of people affected by a similar measure will belong to a particular community, caste or religion. Thus even an economic measure, which is national elsewhere, assumes a communal complexion in this country. It is easy for governments and local bodies to justify such discriminatory legislation by Western standards, to term it national and economic and to dismiss the just and reasonable protest of a particular community vitally affected by accusing it of narrow communalism. People who are not familiar with the conditions that subsist in this country can very easily be persuaded to condemn the protest of such a community against whose interests such measures are so cleverly conceived.

Congress leaders have declared in season and out of season that the Congress will always think in terms of the poor, but in the course of our inquiry it has been shown and proved to us that discrimination

has been made in the case of Muslim peasants and workers by the Congress and Socialist organisations. Agents of zemindars and capitalists have given communal colour to disputes that were purely economic. And once communal colour was given the poor victims of oppression were deprived of all protection from the very organisations which boast of nationalism.

The details of the incidents and atrocities committed in the village Tilkori, Hazaribagh district, Bihar, have become known to the public through newspaper reports and we need not recapitulate them in detail at this stage. We may however, point out that only a short time before this incident there was a minor quarrel between a Congress volunteer and a Muslim landowner in the same district. Full inquiry was made into this incident and a huge public meeting was held and the occasion was thought fit for the visit of a Parliamentary Secretary. Strong protests were made and a big demonstration was staged.

The incident at Tilkori took place shortly afterwards. The victims were the poorest inhabitants of the village who graze the cattle of the well-to-do Brahmans and live on small plots of land let out to them in exchange for their services. There was no Muslim League organisation in the neighbourhood. The poor victims of the atrocities had to cover a distance of 40 miles on foot to reach the headquarters of the district from where some Muslim lawyers sent information to the headquarters of the Provincial Muslim League. On receiving the information, the Secretary of the League proceeded to the spot and made inquiries and issued his statement. One cannot help asking why the local Congress organisation maintained complete silence during the eight days that elapsed between the incident and the arrival of the Secretary of the Muslim League and why no inquiry was instituted by the Congress or the Provincial Congress Government.

Then, in the village Seewan, in a sub-division of the Saran district in Behar, the houses of certain Muslims were set on fire. When Mr. Abdul Ghani, M.L.A., arrived at the scene of the incident, some houses were still burning. This village happens to be near the village of Babu Rajendra Prasad, a former President of the Indian National Congress and a member of the Congress Working Committee. It is surprising, however, that no representative of the party, which claims to be a national organisation, came to the rescue of the sufferers and up till now no political organisation, except the Muslim League, seems to have taken any notice of the incident.

Then again, hundreds of workers of Rahli, Saugor district, Central Provinces, were turned out by the *Bidi* manufacturers for no greater fault than voting for the candidate in whom they had confidence. It was a matter of principle and a narrow communal outlook should not have stood in the way of the vindication of the rights of the workers to use their vote freely. But no political or labour organisation, not even the much boasted Civil Liberties Union, came to the rescue of these helpless workers and not a voice of protest was raised against the tyranny of the Hindu *Bidi* manufacturers. These dismissed workers had to leave their homes and go to the cities of Saugor and Nagpur to earn their living.

Yet, in spite of these incidents, propaganda is done in and outside India that the Congress Ministries have restored civil liberty and the poorest peasant has felt the lifting of a great burden. There can be no doubt, at least so far as the Muslims are concerned, that civil liberty, though much advertised, does not exist. The tendency to show discrimination on communal grounds in rendering help and carrying on relief work among the oppressed and the poor is a unique feature of the Congress organisation of this country.

On the other hand we are glad to note that during the Cawnpore labour strike, the District Muslim League there showed no distinction between Hindu and Muslim workers and helped everybody irrespective of his religious beliefs. The Cawnpore League distributed food and other necessaries of life to the Hindu and Muslim workers with equal consideration. Similarly, during the recent floods in the eastern districts of the United Provinces Muslim League volunteers in Bahraich, Gonda, Basti and other places rescued Hindus and Muslims alike, sometimes even at the risk of their own lives.

POLITICAL PARTIES

The growing tendency of political parties to become more and more communal is the chief danger to which democracy is exposed in India. In other countries, political parties are formed on such a basis that the majority and minority parties are interchangeable. Those who vote for Socialists to-day, can, if they feel dissatisfied, support the Nationalists or Conservatives to-morrow. The strength and following of various political parties vary according to the confidence they inspire among the people and to the extent they are able to fulfil their election pledges. Moreover, the success of a government is reflected in the popularity of

its legislative measures and constant efforts are needed to maintain the majority.

In India, owing to the existence of a permanent religious majority, the complexion of political parties is quite different from those in other democracies. There is always a danger that a party, composed mainly of members of a particular community or followers of a particular religion may pass under the name of a nationalist party. Such a party is exposed to the temptation of raising the communal bogey in order to keep together its dissatisfied elements, who are too insistent on the fulfilment of election pledges, and thus to continue in perpetual majority.

Expectations were raised high by the promises made during the last general elections by the Congress to better the condition of the poor. The Muslims being the poorest community in India were the first to show disaffection towards the Congress because they felt that its economic programme was a mere camouflage to enlist their support at the elections and brought them no substantial relief. In any other country these poor classes could have gone over to the opposition without being dubbed communalists.

Speaking at the Students' Federation meeting at Calcutta Mr. M.A. Jinnah stated that the League's fight was not against the Hindu community but against the Congress High Command. The Muslim League Party was allowed to coalesce with other progressive groups or parties whose ideals were nearly the same. This makes it clear that the aim of the Muslim League was not to wage war against other communities in India but to organise the Muslims and devote its energy to the solution of political and economic problems that face the country as a whole.

In order to work with other communities the programme of the Muslim League has to be such as would make it possible for other communities to co-operate with it. If the Party adopts an aggressive communal attitude it would be impossible to maintain harmony with other communities. Thus it is to the advantage of the Muslims to have a truly national and liberal programme so that others may co-operate with them. On the other hand if the Muslim League chooses a narrow and communal policy, the Muslims will be condemned to perpetual minorities in almost all the provinces of India. They will be deprived of all opportunity of having, at any time, an effective voice in the administration of the country. Even in each of the two major Muslim Provinces—the Punjab and Bengal—it is not possible for the Muslims to have a majority without the co-operation of other communities. Thus

it is clear that the Muslim League cannot afford to take up an aggressive communal attitude. But unfortunately responsible Congressmen and a section of the Press have made it their duty to misrepresent the views of the leaders of the Muslim League and its activities.

The attitude of the Congress, however, made it impossible for the League to co-operate with it in spite of the efforts of a number of League Leaders to maintain cordial relations. The just and legitimate demands of the Muslims were regarded as an inconvenient feature of political life. Contemptuous offers were made to the leaders of the Muslim League. They were asked to liquidate the Muslim League Parliamentary Board, disband the League parties in the legislatures and to sign unconditionally the Congress pledge. To the patriotic Muslims such a course meant the denial of their right to organise themselves in order to maintain their separate identity and preserve their culture, and a complete surrender to the Party which, on its own admission, was mostly composed of Hindus and which had failed to win the confidence of the Muslim voters in the general election.

The Congress parties adopted the very methods for which they had hitherto condemned the British Government. Rival Muslim organisations were started and spoon-fed by Congress Cabinets and committees. Attempts were made not only to disregard the true representatives of the Muslims, but a virulent campaign of vilification was started against the Muslim League and its leaders with the help of a few Muslims who signed the Congress pledge. The temptation of office was held out to those who joined the Congress and a few Muslims, who had been returned to the Legislatures on the ticket of the Muslim League Parliamentary Board, were persuaded to sign the Congress pledge and were given places in the Ministries as representatives of the Muslim masses.

It has been alleged that the cry of "Islam in Danger" was raised and the name of God was used by the League to secure votes. But the very party which has so vehemently made all these allegations felt doubts about the efficiency of its political and economic programme and adopted the same methods for which it condemned the Muslim League. As a matter of fact the Muslim Ulema working for the Congress dragged in religion to enlist support for the Congress candidates. In the Bijnor bye-election the Congress Muslim workers were dressed in the green Islamic colour, carried the Islamic flag with the Crescent and Star and raised the cry of *Allah-o-Akbar* at their meetings.

The Muslim League on the other hand never depended on the Ulema for its success. It was not the League that raised the cry of "Islam in Danger." It has been put into its mouth by its opponents. Every Muslim believes that Islam can never be in danger.

Again, it has been stated by responsible Congress leaders that because during the bye-elections the Muslim League candidates were standing on communal tickets, the Hindu zemindars, bankers and lwyers, who had so far opposed the Congress, preferred a Congress candidate. We are further told that the action of these people was not due to communalism, but was a reaction to communalism. This statement is falsified by the recent event at Fyzabad. In the bye-election for the Fyzabad General Constituency, though the Muslim League adopted a policy of indifference, certain Muslim zemindars and others were found supporting the Mahasabha candidate who possessed a much wider appeal. On the Congress platform too, side by side with Congress leaders of repute, were seen persons who were noted for their narrow communalism. One of these speakers had only been recently convicted for spreading communal hatred and had been released on bail pending appeal. We wonder if the average voter was given the fullest opportunity to distinguish between the Mahasabha candidate, standing on a purely communal ticket, and the Congress candidate, who stood on a "non communal" ticket.

In Bihar instances were brought to our notice of speeches tending to provoke communal feelings being made even at meetings attended by Parliamentary Secretaries and responsible Congressmen. Similarly, in the Central Provinces cases have been reported which go to substantiate the theory that there is something like identity of purpose between the Congress and the Hindu Mahasabha. A person can be a member of the Congress and the Mahasabha at the same time, but this privilege is not extended to the Institution that represents the interests of a minority. When K.S. Abdur Rahman pointed out an occasion when even Congress Ministers participated in the reception of the President of the Mahasabha and drew attention to the enthusiasm shown by Congressmen all over the Province at his receptions, Dr. Khare replied that he was present at one of the meetings and that Congressmen had gone there in their individual capacity. Technically, Dr. Khare was right, but one has to consider the impression that his conduct created in the mind of the man in the street, who must have read in it a complete identification between the so-called communal

organisation of the Mahasabha, and the oft-proclaimed "national" institution of the Congress.

Popular imagination looks more to things that happen and gives them its own meaning and interpretation. Whatever may be the underlying principle of Congress nationalism and whatever may be the justification for the foregoing incidents, the fact remains that the average Hindu is inclined to associate Swaraj with Ram Raj and Congress Government with Hindu government. The Muslims feel that, notwithstanding the non-communal professions of the Congress and the desire of a few Congressmen to follow a truly national policy, a vast majority of the Congress members are Hindus who look forward, after many centuries of British and Muslim rule, to the re-establishment of purely Hindu Raj.

MUSLIM MASS CONTACT MOVEMENT

Its Repercussions

The last Provincial election brought home to the Congress High Command the fact that the prestige of the Congress as a national organisation was in danger. The decision of the Congress not to contest elections in Muslim constituencies generally and the overwhelming defeats of its Muslim candidates in the very few elections that it contested completely exposed the hollowness of its pretensions to represent the Muslim masses.

The significance of the Congress defeats becomes more pronounced in view of the fact that the Congress possessed an unparalleled and a most powerful organisation in the country and that no Muslim party was in a position effectively to offer any strong opposition to it. The statement of Pandit Jawaharlal Nehru on the defeats of the Congress candidates in the general election clearly shows that the Congress leadership was greatly alarmed at the opposition. But unfortunately, instead of trying to find out the real cause of this antipathy, the Congress High Command launched the Muslim Mass Contact Movement.

There are many Muslims who firmly believe that the Congress by this movement is trying to destroy Muslim solidarity and create disruption in the community. A number of Muslim workers have been employed to fight their co-religionists by a political party which is predominantly Hindu. Concerted efforts are being made not only to induce Muslims to join the Congress, but also to bring into disrepute the Muslim League.

It has been claimed that the Mass Contact Movement has been in existence for many years and only took a more definite shape at the Lucknow Congress of 1937. It has also been claimed that the movement had never been designed in terms of Muslims only nor was it merely confined to them.

To understand this movement properly, the methods employed by its promoters must be taken into consideration as well as its effect on the minority community.

Whatever be the idea behind this movement, it remains an undisputed fact that after the general election Mass Contact was carried on amongst the Muslim masses alone. We have not heard of the religious heads of other minorities working on behalf of the Congress to bring their co-religionists into its fold.

It has been asserted that only such Ulema as had associated with the Congress and were its old friends were asked to support the Congress candidates in the bye-elections. Besides, the candidates particularly asked for the support of such men. We think that the argument put forward by an eminent leader of the Congress fully brings to light one fact. We all know that though Pandit Jawaharlal Nehru, in the bye-election speeches, emphasised economic problems, the candidates themselves were not confident of the efficacy of this programme of the Congress in enlisting the support of the Muslim electors.

The activities of these Congress Ulema are not confined to those enumerated by the Congress leaders. Recently, just after a communal outbreak had occurred in Pilibhit, Seth Damodar Dass, accompanied by two Maulanas, visited the locality and issued a statement throwing the responsibility for the trouble on the Muslim League, which on inquiry proved to be unfounded. This fact throws some light on the use which is made of some of these learned theologians and also why so much importance is given to these old friends. We wonder if the majority of such persons could have a place in any self-respecting organisation. We can now understand the reluctance of the Congress to recognise the Muslim League as the sole representative of the Muslims for this would deprive it of such convenient tools as the Ulema who went to Pilibhit with the Bareilly Congress President.

The Congress secured overwhelming majorities in five provinces and a working majority in the sixth as the result of the first general election held under the new reforms. The attention of the whole of India was focussed on the Congress and its decision on acceptance of office was

eagerly awaited. Everyone believed that a new era would set in with the acceptance of office by the Congress. It was generally taken for granted by progressive Muslims that the gulf that had existed so long between the various communities in India would be bridged once for all, that the differences, for which an alien government had been held responsible so far, would disappear and that all progressive national elements, whose political ideals were similar, would be brought together for the service of the Motherland, and would work a common programme for the freedom of the country.

It was at this moment that Pandit Jawaharlal Nehru, the then Congress President, launched the Muslim Mass Contact programme in right earnest. It was pointed out to the Muslims that the real fight was for bread and butter and there was no sense in their keeping aloof under the banner of the Muslim League. But, as we have pointed out in an earlier chapter, even economics in India is communal. Urdu newspapers were started to carry on Congress propaganda among the Muslims and every attempt was made to win over the Muslims. A campaign of vilification against Muslim League leaders, specially Mr. Jinnah, formed a part of this movement. An attempt was also made to set up a rival organisation to the All-India Muslim League under the name "Azad" Muslim League. It was further declared that the Congress, in view of its principles of nationalism, could not enter into an alliance with any communal organisation however national may be the latter's policy and programme. Since then, however, we have seen how this declaration has been stretched to make it possible for the Congress to form ministries in the Frontier and Assam as it suited the interests of the majority community.

It was but natural for patriotic Muslims to feel aggrieved at the attitude taken up by the Congress High Command. The change in the attitude of the Congress leaders, specially those of the United Provinces, was simply a revelation. Though the Mass Contact Movement was on the programme of the Congress no one heard about it until the general election was over and Congress majorities were assured. Even then the Congress leaders, who made and unmade Cabinets and who appointed and dismissed Ministers, avoided the Muslim masses and employed Maulvis to convert the Muslim masses to the Congress creed. The Maulvis, having no voice in the moulding of the Congress policy and programme, naturally could not promise to solve the real difficulties of the masses, a promise which would have drawn the masses towards

the Congress. The Maulvis and others employed for the work adopted the line of least resistance by creating a division among the Muslim masses by carrying on a most unworthy propaganda against the leaders of the Muslim League. Under these circumstances it was but natural for the Muslims to conclude that this movement was directed only to lure the Muslims into the Congress fold and a policy of "divide and rule" was being followed by the Congress to avoid a settlement with the Muslim community on the real issues.

It will not be out of place here to point out that in other countries where political situations are complicated by religious and racial differences, no political party would think of adopting such methods of propaganda as would lead to emphasise the religious differences between various communities. In Great Britain when the question of Irish Home Rule was put in the forefront of the Liberal Party's programme by Gladstone, in spite of a split in the Party itself, no mass contact movement was started to bring the Protestants of Ulster into the fold of the Liberal Party. Discrimination on a communal basis is the last thing to be undertaken by a party which forms the Government.

The Congress Governments should give the right lead to the country. They should attempt to work on the principles of true nationalism and gain the confidence of the minorities by removing all their suspicions. It was the failure of the Congress in this respect which, together with the correct lead given by the Muslim League and its policy and programme, helped to make the League, in such a short time, such a powerful and representative organisation of the Muslims of India.

Part II

THE CONFLICT AND ITS CAUSES

GENERAL POLICY OF THE CONGRESS

With the acceptance of office the Congress found itself in circumstances which were not dissimilar to those which face belligerent nations after an armistice. We all remember how after the Great War different countries faced this problem. The success and stability of each government depended upon the measure of success with which this problem was tackled. Work had to be found for disbanded soldiers and gigantic efforts were needed on the part of the governments to turn the warlike energies of the nations into peaceful pursuits of trade and industry.

When the Congress governments were formed direct conflict with the British Government ceased. The chief objective, which had so far brought together the different elements within the Congress fold, was lost sight of in the general scramble for power and the ideal for which the people had worked since 1920 was abandoned, at least temporarily. The course of true statesmanship for the Congress Cabinets lay in creating a calm and peaceful atmosphere and class wars and defiance of lawful authority were the last things to be encouraged at the juncture.

Unfortunately, these were the things which were encouraged most. The authority of the police and other government agencies, which were so far responsible for the maintenance of law and order, was defied. People of a particular community were encouraged to believe that the government was now theirs. Instances of intimidation and defiance of lawful authority increased in number every day.

A section of responsible leaders created the impression that every member of the Congress enjoyed a privileged position and every Congressman became conscious of the fact that by virtue of belonging to the party in power he could influence the administrative machinery. Several Muslim speakers drew pointed attention to this state of affairs in their speeches on the adjournment motion in the U.P. Legislative Assembly on the communal disturbances. They stated that great mischief had been done by the Chief Secretary's circular asking the District Officers to consult the local Congress Committees. This had resulted in the demoralisation of the local officials, who could not take up an

independent attitude on delicate matters. Congressmen had taken up the position of non-official advisers to local officials and selfish people utilised the situation for their own benefit and for mischievous ends.

People were encouraged to do what they liked and to say whatever they wanted. Respect for lawful authority was undermined. In the *communique* issued by the Governor of the U.P. at the time of the resignation of the Cabinet over the question of release of political prisoners, reference was made to the disturbing nature of the activities of some of these men. It was pointed out that the release of prisoners had been made an occasion for widespread demonstrations of a revolutionary character which had created a great impression on the public mind. We think that if similar situation had occurred in other provinces as well we would have been able to quote many more pieces of evidence from such impartial sources.

The privileged position which the Congress workers enjoy and the way in which partiality is shown to them has been made clear in the remarks of the Judges of the Oudh Chief Court in the Hearsey case in which a Congress worker was one of the parties. Their Lordships felt compelled to point out that the filing of the appeal by the Government with no judicial justification was bound to create the impression that the fact that the complainant was the President of the local Congress Committee had something to do with it.

The way in which members of the Congress Party have interfered in the day-to-day administration of justice has also been dealt with in several judgments of the Allahabad High Court. In the Contempt of Court case against Dr. Vishwanath Mukerji, a Congress M.L.A. from Gorakhpur, Their Lordships observed :

> "We have reason to believe that a large number of communications have been addressed to courts in this Province during the last month by persons on behalf of parties to cases and others interested in such cases. The two cases which we have just decided are the first of this class and having regard to the attitude adopted by Dr. Mukerji, we felt able to take a lenient view of these offences........ ....[*sic.*]. It must be made clear to every one that this Court will not tolerate any attempt to bring pressure upon a judicial officer and particularly upon junior judicial officers who are not in a position to defend themselves. We have taken a lenient view of this case and we trust that such leniency will not be misunderstood."

We have received numerous complaints, supported by evidence, from Muslims that they have been bullied by local Congress organisations and have found it difficult to get even-handed justice. A sort of parallel government is being run by Congressmen. Wherever the police makes inquiries the local Congress organisation also starts its own independent investigations. The atmosphere is no longer congenial to the pursuit of ordinary vocations of life with freedom.

In spite of all this prominent Congress leaders lose no opportunity of repeating that one of the first acts of the Congress Cabinets was to restore the civil liberty of the people We should like to know if this civil liberty is only meant for the members of the majority community.

In the succeeding chapters we discuss the various causes of conflict between the two major communities in India and how they have been aggravated by the short-sighted policies of Congress Governments.

BANDE MATRAM

It was as a result of the intense resentment among the Muslim masses that the All-India Muslim League passed the following resolution on the Bande Matram issue at its Lucknow session :

> "This meeting of the All-India Muslim League strongly condemns the attitude of the Congress in foisting Bande Matram as the national anthem upon the country in callous disregard of the feelings of Muslims and considers this song not merely positively anti-Islamic and idolatrous in its inspiration and ideas, but definitely subversive of the growth of genuine nationalism in India."
>
> "This meeting further calls upon the Muslim members of the various Legislatures and public bodies in the country not to associate themselves in any manner with the highly objectionable song."

The Congress Working Committee issued a lengthy statement on the song in October 1937 and ultimately decided to recommend that certain stanzas, which contained allegorical references, may not be used on the national platform. It is further claimed that the two stanzas recommended as the National Song do not contain a word or phrase that will offend anybody.

By excluding certain lines from the "National Song" the Congress High Command has conceded the League's contention that Bande Matram at least does contain objectionable passages. They must, however, realise that the Muslims cannot forget the historical background of the song and the sentiments which led to its composition.

Further, in support of the song it is stated that Bande Matram has been associated with Indian nationalism for more than thirty years and numerous associations of sentiments and sacrifices have gathered round it and that no objection was taken to it, except on political grounds, by the Government. To our mind the defence exposes the narrow and predominantly communal nature of the nationalism proclaimed by the Congress. The fact that the British Government objected to the song on merely political grounds only goes to prove the League's contention that the religious import of the song is directed against the Muslims alone.

We cannot help wondering that if popular songs are not made to order and cannot be successfully imposed, why, since the acceptance of office by the Congress, Bande Matram is being thrust upon the impressionable boys in schools. We may here point out that before the acceptance of office by the Congress this song was recited at meetings held under the aegis of the Congress and those who attended them were there out of their own free will. As such there was no occasion for objection. But now the position has changed. The Congress now forms the Government in seven provinces of India. Congressmen and their sympathisers have started singing the song at public meetings and other functions where members of different religions have to be present.

Moreover, the various Congress Governments have lifted the ban on the song in Government schools. The reason given was that since the ban was imposed by the Government of the pre-Reform days and was directed against Indian nationalism it had to be lifted. The effect of this order has been, however, quite different. School teachers, keen on winning the favour of the new masters, have taken it upon themselves to make the singing of Bande Matram a permanent feature of the school curriculum. To mention only a few examples, the Muslim students of Patna objected to the singing of the song and went on strike. The school management compelled some of the students to leave the school. The Muslim public of Patna had to open a separate school to save the careers of these boys from being totally ruined. Then in the Central Provinces the Muslim students have the same grievance against the Municipal schools. In the Normal School at Wardha the Muslim students are not allowed to touch the food in the school mess, are forced to stand with folded hands when Bande Matram is sung and made to live entirely on vegetarian diet. All this only shows a callous

disregard of the feelings and sentiments of the Muslims by the Congress Governments.

THE TRICOLOUR

The Muslims believe that the tricolour of the Congress is purely a party flag and nothing more. Every political party, whether in office or in the opposition, has the right to hoist its flag wherever it likes. While on most of the Municipal and District Board buildings the Congress flag has been hoisted without any opposition from the Muslims, whenever any local body, with Muslim majority, has passed a resolution for the hoisting of the Muslim League flag, the members of the majority community, confident of the Congress Government's support, have put obstacles in the way of the resolution being enforced. It has been claimed by them that their objection to the League flag is based on the fact that it is a communal flag. We should like to know if the hoisting of the so-called national flag on the unwilling minorities is anything but an expression of the narrow communalism of the majority community.

It is argued on behalf of the Congress that the tricolour contains the Muslim green. But without a change of heart, without a settlement of the points in dispute and without unity of purpose between the two communities the inclusion of the Muslim colour in the Congress flag is meaningless. The flag should represent the true feelings and sentiments of the Muslim community if it is to have any significance at all, but unfortunately it does not.

Since the Congress has come into power the hoisting of the tricolour over public buildings has become another source of friction between the two communities. There have been instances where the flag has been hoisted without the sanction of the proper authority. We may, however, point out that a national flag cannot be forced upon unwilling people any more than a national anthem. Such attempts would only expose the latent communal nature of the "national" policy of the party, which is overwhelmingly Hindu.

EXCLUSION OF MUSLIMS FROM LOCAL BODIES AND DEBT CONCILIATION BOARDS

The Muslims have found it almost impossible to get into the local bodies or into the Debt Conciliation Boards in the provinces with [a] joint electorate. In Bihar the Muslims had to boycott the elections to

the local bodies so long as their grievances were not redressed. In the C.P. and Berar, where the Muslims form a very small minority, they have been excluded from local bodies. It was pointed out to us that the Muslims were better treated by the Independent Party than they are now by the Congress. Before the advent of the Congress Government there used to be at least one Muslim on each Debt Conciliation Board, but now there are several boards with no Muslim representation. We may further add that an overwhelming majority of the Muslims in this province belong to the class of labourers or small cultivators, who are heavily indebted to the rich money-lenders and as such their cases require special attention. We have dealt with this question fully in part III of this Report.

We may, however, state that even the operation of measures, designed apparently to promote public welfare, irrespective of class or community, is so manipulated as to exclude the minorities, specially the Muslims, from their benefits.

COW PROTECTION

The question of cow slaughter has been one of the causes of conflict between the Hindus and Muslims of India. With the taking over of the reins of government in the seven provinces by the Congress the question of cow protection has assumed great importance and propaganda has been carried on with redoubled energy in this connection. There have been numerous instances where Muslims have been intimidated to give up cow sacrifice and the eating of beef. Organised picketing has been done to prevent the sale of cows to Muslims. The dastardly attack on Muslim butchers at the Dadri Fair in the Ballia district, U.P., was only one of the many cases where force has been used. The details of communal outbreaks and their origin are given in a latter chapter. Here we are only concerned with the question of cow protection.

While the country was seething with communal troubles people looked to the Haripura Congress to relieve the tension in the country. Unfortunately, however, the speeches of the most eminent Congress leaders on the occasion of the opening of the Cow Exhibition were far from reassuring. Mahatma Gandhi, referring to the importance of cow protection, said:

> "From the historical and economic point of view the cow must be protected. Unfortunately we have not taken cow protection

seriously. Due to our carelessness, idleness and ignorance, good breeds of cows are now vanishing. In the olden days the Rajas earned the title of "Gopalas" meaning cow protectors. At present nothing is done to protect cows and consequently they are proving a burden on the economic life. It was not true that cows were costly to maintain." The Mahatma further appealed to all to drink more cow's milk, for if the nation determined to drink cow's milk then cows could be saved. He urged the people to understand the *real significance* of cow protection."

Sardar Vallabhai Patel, in requesting the Mahatma to open the Exhibition, said that the idea of cow protection had come from the Mahatma himself. Mahatma Gandhi was the pioneer of two things, the *charkha* and cow protection.

We have referred to these two speeches as they produced a profound impression throughout the country and there were significant reactions to them. The economic plea for cow protection was taken up by Mr. Chitervadis, a Mahasabhaite M.L.A. of the C.P., in the statement of the aims and objects of his Cow Protection Bill, which imposes heavy restrictions regarding slaughter of animals even for social and religious purposes. This is in keeping with the line taken up by the Congress leaders at Haripura. It is also interesting to remember that the *charkha* has so far been considered as a sure means of bringing independence to India. Now that it has been coupled with cow protection, the ideal of independence has only been brought closer with the religious and communal ideal of the Hindu community. This is not surprising when we remember that Mahatma Gandhi's fundamental motives are religious and he has repeatedly declared that his object in life is to bring religion into politics. Moreover, the Mahatma's religion is based on the fundamental Hindu scripture, the Bhagwat Gita.

It is needless for us to point out that the people have been repeatedly told that Swaraj has set in with the acceptance of office by the Congress. And once the people start believing that they are the real rulers of their country, it is but natural for the members of the majority community to cherish the title of Gopalas, specially when they have been exhorted to do so by their greatest leader.

Unfortunately, this false propaganda has only resulted in increased communal tension throughout the country. The population in villages and towns throughout India is now divided between those who drink cow's milk and those who are unwilling to change their diet. We

wonder if the Muslims and other minorities are regarded as part of the nation which has been asked to drink cow's milk. Anyway, licences for cow slaughter have been withheld in several municipalities of the Central Provinces. Such attempts at putting a stop to cow slaughter have generally been made at places where the Muslims are numerically weak or disorganised.

COMMUNAL RIOTS

CAUSE AND ORIGIN

Communal riots have unfortunately become more frequent in the Congress provinces and they have been largely the natural outcome of the disregard for law and order and disrespect for life and property preached by irresponsible Congressmen. It is a lamentable fact that not only have the occasions when communal tension has resulted in violent outbreaks increased to an extent hitherto unknown, but fresh causes of friction have arisen as a result of the policy adopted by the Congress Governments.

In giving an account of the nature of disputes between the two communities we cannot do better than describe the various viewpoints that have been put forward by the leaders of the two communities and the discussion in the Legislatures of the United Provinces, Bihar, Central Provinces and Orissa.

In reply to a question the Premier of Bihar said that orders had been issued against the Muslims in sixteen places in connection with Muharram, Bakr-Id and Holi festivals. Some of the speakers, justifying the Government's action, went even so far as to maintain that non-violence was the accepted creed of the Congress Party and that orders under section 144, Cr. P.C., were issued to avoid violence. Thus the creed of non-violence, to carry the argument to its logical conclusion, which had been so far employed against the British bureaucracy, was now to be employed to deprive the minority community of its civil rights. The Government defended the promulgation of such orders on the grounds of avoiding a breach of peace. It was further stated that the period of these orders was extended to give the parties a chance to obtain an injunction from civil courts. On the other hand, in Zahidabad (Gorakhpur), where the Muslims had already secured a decree from the Civil Court recognising their right of cow sacrifice, orders under Section 144, Cr. P.C., were issued, according to the U.P. Premier, to avoid a breach

of peace.

The Karachi Congress resolution on the fundamental rights of minorities only guarantees them their rights so far as their observance does not lead to breach of peace. Thus it is only natural that this provision should be utilised by the Congress Ministers to deprive the Muslims of their civil rights.

In the United Provinces Legislative Assembly several attempts were made to fix the responsibility for riots on the Muslims. The Minister of Education, Mr. Sampurnanand, is reported to have said that the minority community thought that it could bring the Congress Government to their knees by creating communal disturbances. He, however, admitted that in his own home town, Benares, the riots started with a clash between two parties of Holi processionists in which one Hindu was killed. We fail to understand why with his Benares experience the Minister indulged in such a generalisation. This disorderly behaviour of Holi processionists could, by no stretch of imagination, be connected with the activities of the minority community.

Then the Minister of Justice, Dr. K.N. Katju, maintained that irresponsible statements of members of the Muslim League and a campaign of vilification of the Government in the Urdu Press was responsible for the riots and that the minority, community taking advantage of the Government's solicitude for the freedom of the Press and speech, wanted to bully them. The Minister of Justice should have been better informed, at least of the happenings in his own town, Allah abad. The Magistrate, in delivering judgment in one of the riot cases at Allahabad, observed: "It is the Hindus who set the ball rolling."

We cannot believe that a "campaign of lies" in the Urdu Press could have influenced those people against whom the above remark of the Magistrate was made.

The U.P. Premier, Mr. G.B. Pant, was of the opinion that the objectionable propaganda of the Muslim League and the determination of the opposition to embarrass the Government was responsible for the riots. It is the duty of the Government to maintain law and order and to protect the lives and property of the citizens. In all democratic countries the Opposition criticises the Government and yet no Government has tried to explain away its failure by accusing the Opposition of "embarrassing the Government."

Pandit Jawaharlal Nehru, referring to the riots, is reported to have

said : "Why were there riots this year? It was because the Congress Ministry was in power."

At a meeting of the Unity Board at Allahabad Mr. Badri Prasad, Secretary of the Hindu Mahasabha, stated : "These riots were created by some organisation to lower the growing strength of the Congress."

To our mind all these speeches fail to get at the root of the problem by throwing the blame on the Opposition. We believe that the trouble was due to the preaching of the ideals of a party in the name of nationalism and forcing them on everybody.

The Muslims knew that they were powerless and all that they could do was to adopt a policy of self-preservation based on peaceful relations with the majority community. It was the failure of the Congress Governments which largely depended on the support of the Hindu members to take strong measures against Hindu aggressive elements that resulted in the crop of communal disturbances all over the country.

THE LANGUAGE AND CULTURE

The question of language and culture has assumed great importance recently due to confused thinking among some of the prominent Congress leaders who refuse to acknowledge the very existence of a separate Muslim culture in India. The word "Culture" has a wide significance and covers the entire activity of man—intellectual, aesthetic, spiritual, moral, social, economic and political; for, the true seat of culture or its mainspring is the mind of man; and as is the mind, so its manifestations which constitute its culture. This definition itself should convince those who deny the existence of a separate Muslim culture. This is, however, not a place to enter into a detailed discussion on Muslim culture and we will confine ourselves to the practical problem that faces the country.

We may point out that the Urdu language came into existence as the result of an attempt to take a purely Aryan language and turn it into a common language so that both Hindus and Muslims may understand each other. It is not a purely Muslim language as the modern champions of Hindustani would have us believe nor it is spoken or understood in Islamic countries. The Muslims who came to India spoke either Persian or Arabic. There was no reason why they should have adopted an entirely new language if it was not for the purpose of having a common language with the inhabitants of the country. Urdu is thus the *lingua franca* of India—the great binder of different peoples.

Urdu was built up by the contributions of both Hindus and

Muslims. The former have done as much to make it the common language of the country as the latter. If we find, Khusrau, Ghalib, Mir and Akbar Allahabadi among the Muslim giants of Urdu literature, we have also Pandit Ratan Nath *Sarshar* and Pandit Daya Shanker *Naseem* from amongst the Hindus. Even among the living men there is no one who is more keen on preserving the Urdu language than Sir Tej Bahadur Sapru, a great scholar of Urdu.

It is thus clear that Muslims far from being opposed to the evolution of a common language for the country, were in fact the first to realise its necessity and have done their best to evolve one. Unfortunately, however, the communal tension, which made its first appearance in the country in the beginning of this century, also affected the question of language, and Urdu, which had so far been accepted as the *lingua franca* of the country, was dubbed as the language of the Muslims alone.

We may further point out that the Muslims, having decided to have Urdu as their mother tongue, took to the language in right earnest and their entire literature, including all branches of knowledge, has been built up in this language. As such they attach great importance to the preservation of Urdu as written in the Persian script and would stoutly resist all attempts to destroy it.

The question of language has drawn the attention of the Congress leaders a great deal and various pronouncements have been made by them. The interpretations given to the term Hindustani by these leaders not only vary a great deal but amply show that there is no unity of thought even among those who direct the policy of the Congress.

Maulana Abul Kalam Azad in his letter to the Congress Premiers declared that so far as the problem of language and script was concerned, a controversy arose in the United Provinces and Bihar as far back as 1902. As a consequence new meanings were attached to words which were previously used for the same language. The term Urdu was said to refer to that form of the Hindustani language which was written in the Persian script and the term Hindi was applied to the same language written in the Deva Nagri script. The Indian National Congress, the Maulana further pointed out, definitely ended the controversy thirteen years ago under the guidance of Mahatma Gandhi. The Congress decided that for the national inter-provincial language the same form of Hindustani should be used as had been in use since the 17th century. Thus there was no place for any doubt so far as the fundamental question of common language was concerned. The Con-

gress Ministries in the various provinces, according to the Maulana, were acting up to the principle laid down by the Congress. He, however, admitted that in certain provinces people could not discriminate between the new connotations of Hindi and Hindustani and whenever they used the word Hindustani only they unintentionally came nearer the zone of controversy.

Pandit Jawaharlal Nehru, dealing with the same question, stated that the Congress guaranteed the language and culture of the minorities in India. He wanted to encourage all the great provincial languages of the country and at the same time wanted to make Hindustani, as written both in Deva Nagri and Persian scripts, the national language. Both scripts were to be officially recognised and the choice of their use was to be left to the people. Pandit Jawaharlal also gave an assurance that this policy was being followed by the various Congress Ministries.

Mahatma Gandhi first endorsed the views of the U.P. Minister of Education, Mr. Sampurnanand, that for technical and scientific terms increasing use of the Sanskrit language should be made to supplement Hindustani. He followed it up by an article in the *Harijan* in which he stated : "So far as the Congress is concerned, Hindustani is its recognised official language designed as an all-India language for inter-provincial contact. It is not to supplant but to supplement provincial languages........ [*sic.*]. For the purpose of crystallising Hindustani, Hindi and Urdu may be regarded as feeders. A Congressman must, therefore, wish well to both and keep in touch with both forms as far as he can. This Hindustani will have many synonyms to supply the varied requirements of a growing nation rich in provincial languages. Hindustani spoken to a Bengali or to Southern audiences will naturally have a large stock of words of Sanskrit origin. The same speech delivered in the Punjab will have a large admixture of words of Arabic and Persian origin. Similar will be the case with audiences composed predominantly of Muslims, who cannot understand many words of Sanskrit origin."

We think that these assurances do not go far and instead of allaying the fears of the Muslims they have only aggravated them. The real issue has been lost sight of. The controversy referred to by Maulana Abul Kalam Azad has resulted in the accumulation of a vast literature in both Hindi and Urdu in which increasing use of Sanskrit and Arabic and Persian words has been made by the writers of Hindi and Urdu respectively. Thus the Maulana's definition has no application to the language as written and spoken today. In fact, Hindustani is actually

a non-existent language. It only exists in the minds of the Congress leaders. The living languages are Urdu and Hindi. The mere fact that book, which is full of Sanskrit words, is published in Persian script does not make it any more intelligible to Muslims than if it were published in Deva Nagri script.

We are surprised at the supporters of Sanskrit advocating the use of a dead language, as no doubt Sanskrit is, for supplying technical and scientific terms to the future common language of the country. Mahatma Gandhi seems to disagree with the definition of Hindustani provided by Maulana Azad, who thinks that the difference between Urdu and Hindi is only that of script and the two are really one. Further, if the question of script was not taken into account both languages would become Hindustani. The Mahatma, on the other hand, points out that Urdu and Hindi should be regarded as feeders for Hindustani, which is to supplement and not to supplant the provincial languages. Moreover, we doubt if his instructions about the use of Sanskrit, Arabic and Persian words according to the varying circumstances would be conducive to the evolution of a *lingua franca.* We think that such a language, if it is evolved at all, would fail to serve the very purpose for which it is meant. It will fail to bring the various people of India together by the ties of a common language.

Another subject allied with the question of common language, is the question of classical literature. The speech of the Minister of Education, Bihar, throws ample light on the subject. Opening the proceedings of the Text Book Committee, he declared that the soul of India was awakened once again and was crying for self-expression, self-realisation and self-fulfilment. He added that she would achieve none of these until she found the mould and channel, the medium and setting, the tradition and background in which Kabir, Rahman, Nanak and Tulsidas thought and taught and sang and prayed. We need hardly point out how narrow and onesided a view of Indian cultural background has been taken by the Minister of Education. He forgets the very existence of Khusrau, Ghalib and Mir and the part played by them in moulding the culture of the country. We are further at a loss to understand how the temporal character of education is to be maintained with the inclusion of prayers. The foregoing remarks of the Minister give us an indication of what the cultural background is going to be and the wide gulf that separates the innocent looking resolutions passed by the Congress and the actual practice enunciated by no less a person than a responsible

Minister of Education in a Congress Government.

The contributions of writers and thinkers of all communities should build up the national language and culture of the country. But if an attempt is made to introduce text-books and use officially a language which represents only the ideas, thoughts and sentiments of a particular community, the mere use of the Persian script will not change the communal nature of the language.

Mahatma Gandhi, writing on the tyranny of the English language in the *Harijan*, said : The medium of a foreign language through which higher education has been imparted has caused incalculable intellectual and moral injury to the nation. The tyranny of English has been so great that even Sanskrit and Persian have to be learnt through English. I know what time I took to learn arithmetic, geometry, etc. I should have learnt them easily in one year if I had not to learn them through English but Gujrati and my grasp of the subjects would have been easier and clearer. I would have made use of such knowledge in my home. This English medium created an unpassable barrier between me and the members of my family who had not gone to an English school. I was fast becoming a stranger to my own home."

We may point out that Muslim boys and girls will suffer from all these disabilities, which have been so vividly described by Mahatma Gandhi, if the present attempts of Congress Ministers to impart education to them in the vernaculars of the various provinces are continued. An overwhelming majority of Muslims of India speak and read Urdu and that is their mother tongue. The Muslims of these minority provinces further point out that if their children are forced to receive education through the medium of a vernacular which is not their mother tongue, not only cultural degeneration will set in among them but they will also be placed at a disadvantage in competition with the boys of other communities, who are fortunate enough to receive their education in their own mother tongue.

The Muslims in Orissa and Maharatti-speaking districts of the Central Provinces and Berar look with alarm at the proposal of introducing Oriya and Maharatti as mediums of instruction without including Urdu as one of the media. They point out that a Muslim will have to learn Oriya, Maharatti or any other vernacular, as the case may be, in addition to English and Urdu, his own mother tongue. Complaints were also made to us of the unwillingness of Government and local bodies to open Urdu schools where the number of Muslim boys

of school-going age justified the existence of such schools. In Malabar of the 73 schools declared uneconomic by the Standing Committee of the District Board and recommended for abolition, 58 are Moplah Muslim Schools. Moreover, most of the special facilities provided to the Moplahs by the previous government to encourage education among them have been withdrawn by the Congress Government. Then districts like Saugor and Mandla in C.P. with a substantial Muslim population have no Urdu school. In Hinganghat Middle School all teaching is done in Maharatti both in primary and upper classes. Applications written in Urdu are rejected by the municipal boards in the Central Provinces and Berar. Then the text books prescribed at present for study deal exclusively with the glories of Hindu divinities and Hindu heroes and saints; and contain no reference to the cultural or social achievements of the Muslims or to any historic names held in veneration by them. The grievance of the Muslims is not that these text books deal with Hindu heroes or Hindu great men, but that they do not speak of the Muslims at all. This is not a way to evolve a single nationality [or] build up a common culture. Then in Bihar, although the use of Urdu script is allowed, the courts usually insist on presentation of a copy written in the Hindi script. In the Legislative Assembly of C.P. and Berar the speeches of members who speak in Urdu are reported either in Hindi script or only a summary of their speeches is reported in English.

The foregoing are some of the examples of the methods employed to suppress Urdu in provinces where the Congress is in power.

It may not be out of place here to state briefly certain principles which have been applied to the solution of the language problem in Switzerland. Out of a total population of about three millions there are about 7,00,000 French, about 2,00,000 Italians and the rest Germans. There are 22 cantons of which only three are fully French-speaking, three half-French and half German-speaking and one is Italian-speaking and 15 are German-speaking cantons. The Italians do not form more than six per cent. of the total population, yet the Italian-speaking minority has got the same facilities for receiving education, and shares all the advantages with the rest of the population. In Locarno separate arrangements are made for teaching French and German in primary schools. In the canton of Fribourg there are two sets of schools to impart education, one in German and the other in French.

We may further point out the rights the minority enjoyed in Czechoslovakia before the occupation of the Sudetanland by Germany and in spite of that they complained of the lack of an autonomous German section in the Ministry of Education. The complete complaint, which they formulated regarding the inadequate building and subsidy in the German University and the erection of the so-called minority schools, and the closing down of German primary and technical schools between 1931 and 1935, forms an interesting reading.

In the field of education the Sudetan Germans possessed their own university, two technical high schools, and academy of music, 90 secondary schools (55 gymnasia, 22 "Realshuler" and 13 girls' schools), 14 training colleges, 629 commercial and agricultural schools, 430 higher and 3,363 lower primary schools, and 501 kindergartens.

When a small country like Switzerland can afford to impart education in three languages, surely more than one language can be taught in an Indian province. In Switzerland while arrangements are made to impart education in the mother tongue of the children, the Muslims in India are deprived of this benefit because of the unwillingness of Governments and local bodies to make adequate arrangements. The demands of the Muslims are treated light-heartedly and they are accused of communalism. All this is happening in spite of the constant reiteration of the Karachi minorities resolution by responsible Congress leaders. In view of these facts we are constrained to remark that the Congress High Command is not able to enforce its declared policy in the Congress-governed provinces, at least so far as the welfare of the Muslims is concerned.

Part III

DETAILS OF MUSLIMS' GRIEVANCES

BIHAR

In Bihar the deplorable effects of the Congress to force its politics on the younger generation together with its distinctly communal tendencies have given the greatest set-back to the national cause, which it professes to espouse, by driving the Hindu and Muslim students into the opposing camps. The attempts to hoist the Congress flag on all institutions and to introduce the *Bande Matram* song has had disastrous results on the relations between the students of the two communities who had so far lived in harmonious cooperation.

It may be argued that the Government orders were meant simply to lift the ban on the song and the hoisting of the Congess flag but the Government cannot be unaware of the fact that, in spite of the optional nature of its circular, teachers and those responsible for the management of schools have been encouraged to ignore the feelings of the Muslims and they lose no opportunity of offending Muslim sentiments.

In a letter sent by the Muslim students to the Prime Minister the following incidents were enumerated :

The Congress flag was hoisted and *Bande Matram* sung on the formation of the Congress Ministry.

Both the hoisting of the flag and the singing of the *Bande Matram* were repeated on Independence Day and the Muslim students were persuaded to take part in the functions on the false promise that neither of these things would take place.

This was again repeated on the Prize Distribution Day.

As to how the atmosphere in the educational institutions has been vitiated by over-zealous schoolmasters will be apparent from a statement of Syed Abdul Aziz, Bar-at-Law, a former Minister.

"Muslim students sincerely and whole-heartedly intended to participate in the meeting convened to inaugurate the scheme for mass literacy. They joined the procession on the assurance by some teachers and headmasters that no flag of political significance would be carried, no political slogan raised and no political song

would be sung on this occasion, which was purely of an educational character and was of common interest to all classes of people, irrespective of religion or political creed.

"This assurance, however, came to be broken no sooner than it was given, as some Hindu students began to unfurl Congress flags and shout *Bande Matram*, which caused the Muslim students to say *Allah-o-Akbar*. By the time the procession arrived at the Science College excitement became intense and violence broke out.

"At least two Muslim students received injuries with a sharp cutting weapon. I myself saw when I arrived on the balcony where some leading ladies and gentlemen were seated, a Muslim lad of about fourteen years of age standing near Dr. Syed Mahmud with blood oozing from his neck. The boy stated that he had been hit with a *Kirpan* by a Sikh. His brother, Mannan, was protesting in a state of great excitement against the assault upon Muslim students. Neither of them came to the meeting armed with any weapon nor did they intend to cause any disturbance."

The Muslim students of T. K. Ghosh's Academy, Patna, went on strike following the expulsion of six students in connection with the agitation regarding the song *Bande Matram*. The unfortunate young men who were expelled found it impossible to get admission into any other institution. The Muslims of Patna have been forced to open a separate school.

The questions of *Bande Matram* and the hoisting of the Congress flag in schools have become very serious. There has been some trouble over this issue in the Ram Mohan Seminary at Bankipore and other schools in the province. There was also some trouble on the occasion of the launching of the campaign for the removal of illiteracy over *Bande Matram* between Muslim and Hindu students. This has already been described in the statement of Syed Abdul Aziz. As long as a solution of the question is not reached it will be a perpetual source of friction between the two communities.

LOCAL BODIES

Under the system of joint electorate the type of Muslims that are returned to the local bodies do not truly represent Muslim interests and do not enjoy the confidence of their community. A resolution was passed by the Provincial Muslim League of Bihar urging the boycott of elections to the local bodies. That the Muslims are determined to

make the resolution effective is proved by the success of the boycott of Municipal elections at Motihari, Darbhanga, Samastipur, Katihar and other places.

There is a good deal of agitation against joint electorate in the local bodies as the Muslims had no chance of being returned unless they had the support of the Congress, which they could not expect unless they joined the Congress and the Muslims at present are not prepared to do so. The Government have not taken any notice of the most legitimate demands of the Muslims with the result that the Muslims have boycotted the Municipal elections. They have further decided to boycott the elections of the District Boards.

COW PROTECTION

Various methods are employed to stop the slaughter of cows. We have received information that butchers, while returning with cattle from market places, have been assaulted. For instance, a few butchers were bringing cattle from village Kali, Sub-Division Jehanabad. They were attacked by Hindus at village Durmi in the Sadar Sub-Division, District Patna, and one of them was severely wounded with a spear and was admitted into hospital.

In some of the Municipal towns licences for selling beef in particular quarters, where they used to sell it before, have been cancelled. In some places licences are not at all granted to butchers to carry on their trade. For instance, at Hatipur, a sub-division in the District of Muzaffarpur, such licences have of late been withheld.

The Muslims have repeatedly complained that orders under section 144 Cr. P. C. have been promulgated with a view to deprive [*sic.*] them of their civil rights and religious liberties. In a statement issued by the Working Committee of the Bihar Provincial Muslim League it has been shown how the Muslims suffer under a sense of injustice in that province. The Working Committee reviews some of the actions and the policy of the Local Government and their officials in respect of certain rights of the Muslims in Bihar. The Committee feels that the present Government has far surpassed the foreign bureaucratic rule in attempting to deprive the Muslims of their most important religious and civil rights. It is a national tragedy, says the Committee, that the Muslims feel so unsafe under provincial autonomy. It has been held by various courts, including the Privy Council, that the Muslims have a legal and religious right to sacrifice cows. Such being the legal aspect of

this right, the treatment meted out to the Muslims of Manjhaul, District Bhagalpur, stands out as a conspicuous example of Congress high-handedness. Manjhaul consists of 300 to 400 Muslim houses only. The inhabitants of the village assert that from time immemorial they have performed cow sacrifice in the village on Bakr-Id days and showed the representatives of the Muslim League receipts of sales of cow hides tallying with the Bakr-Id festivals of previous years. The Hindus of the surrounding villages reported to the Sub-divisional Officer, Madhipur, that no cow sacrifice ever took place in the said village, on which the Officer issued a notice against twelve persons under section 144 Cr.P.C. prohibiting them from sacrificing cows. The Muslims sent telegrams of protest to the Bihar Premier and the District Magistrate, on which the Hindus of the neighbouring villages, numbering from 10,000 to 15,000 surrounded the village armed with deadly weapons. Getting wind of this the District Magistrate and the Superintendent of Police along with a *posse* of armed constables reached the spot and on their assurance that they would allow no cow sacrifice the Hindus dispersed. On their way back they set fire to sugarcane fields and destroyed wheat crops belonging to the Muslims.

In these circumstances Muslims would have to decide soon whether they should migrate from this province or face annihilation if the present state of constant conflict with a section of Hindus and perpetual anxiety and insecurity, suffering and humiliation continue. The question also formed the subject-matter of an adjournment motion in the Bihar Legislative Assembly.

The Mover, Mr. Ali Manzar, pointed out that the one great source of all communal trouble had been the unsettled, indefinite, vague and vascillating policy of the Congress Government in matters of cow slaughter and music before mosques. He maintained that the Muslims had the right to slaughter cows irrespective of customs, provided it was done with reasonable precaution. Another Muslim speaker complained that the order under section 144 Cr.P.C. was promulgated against Muslims only. The policy adopted and action taken by the Bihar Government in extending the period of notice under section 144 Cr.P.C. was unprecedented in the whole country as the special power to extend the period to six months under special Government notification has never been adopted by any Government in the past.

Kunwar Kalika Prasad Sinha narrating the history of the case said that "It was admitted that the village of Amin had the customary

right of cow slaughter. The dispute was whether the Muslims had the right of cow slaughter on Bakr-Id days alone or could they slaughter on other days also".

Another speaker stressed the fact that non-violence was a fundamental principle of the Congress and promulgation of section 144 Cr.P.C. to avoid violence was thoroughly justified.

The promulgation of the order under section 144 Cr.P.C. and the grounds given by the Government for its extension that the Muslims may have an opportunity of getting their rights declared by a civil court amply show that the Congress Governments have no definite policy. The residents of Zahidabad, Gorakhpur, U.P., had obtained a declaratory decree from the civil court in their favour but the district authorities stopped the cow sacrifice on the Bakr-Id day by an order under section 144 Cr.P.C. on the ground that such sacrifice would lead to a breach of peace. In Bihar the Congress Government issued similar orders on the pretext of giving the Muslims a chance to secure a civil court decree but the idea behind both orders was to prevent Muslims from sacrificing cows.

Further, the principle of non-violence, which proved so successful a weapon in fighting the British bureaucracy, was now to be used for depriving the minority of their just rights. When cow sacrifice takes place inside houses with due precaution and without any advertisement the establishment of a customary right by producing impartial witnesses becomes an impossibility. We think that the chance of breaches of peace will, on the contrary, increase by such a policy. The object of those who want to put a stop to cow sacrifice would be achieved by creating such circumstances which are likely to lead to a breach of peace even in places where Muslims and Hindus have hitherto lived peacefully. Generally, when it is known that a certain community is taking the law in its own hands, the Government should promulgate orders under section 144 Cr.P.C. to stop such high-handedness and not to stop the performance of the accepted religious duty of the aggrieved community.

It may be further observed that when in this particular case it was admitted that the Muslims had a right of cow sacrifice on one particular day and it did not hurt any body's religious susceptibilities on that particular day, how could it do on other days. If the residents of one village can perform their civil rights at a particular spot and without exception being taken to it what justification can there be if others come and join them.

These facts lead us to think that the orders issued under section 144 Cr.P.C. were not likely to establish friendly relations between the two communities or inspire confidence in the Government.

SUPPRESSION OF LANGUAGE

Replying to a question in the Bihar Legislative Assembly regarding the use of script in all courts, the Premier said that the procedure in the civil and criminal courts was governed by the Government notification dated June 1, 1937, on the subject of court language, but not in the revenue courts, Government had permitted Urdu script in revenue courts but the manner in which it was to be enforced was under examination.

Although Urdu is allowed in courts as one of the optional languages, it is always discouraged by the presiding officers and the clerks. If documents, statements and petitions are filed in Urdu, Hindi copies of the same are generally required by the courts. The officials have got to pass a departmental examination in Hindi but no such departmental examination is held in Urdu.

GENERAL POLICY OF GOVERNMENT

As regards the general policy of the Bihar Congress Government we cannot do better than reproduce relevant portions of the resolution passed by the Working Committee of the Bihar Muslim League which throws ample light on the subject. The following are the extracts from the resolution:

This meeting of the Working Committee of the Bihar Provincial Muslim League has reviewed some of the actions and policies of the Local Government and their professions in respect of the rights and interests of Muslims in Bihar and feels that the present Government have far surpassed the foreign bureaucratic rule in attempting to rob the Muslims of some of their most important religious and civic rights and are undermining their position in the false name of law and order which has become a most dangerous shibboleth of the ruling party and a permanent pretext to perpetrate acts of gross injustice and tyranny upon the weak.

The policy of the British in India was one of neutrality in religious matters of the subjects and the former Government did fulfil this policy in a large measure, though they failed in many cases to protect the Muslims in exercising their religious and civic rights and in some cases

did great wrongs to them in the name of peace by siding with aggressive and bigoted people who happened to be in the majority. This tendency to scatter the rights of the minority to the winds has of late become greatly augmented.

"A NATIONAL TRAGEDY"

It is a national tragedy that at no time in modern age certain minorities, particularly the Muslims, have felt so unsafe and so aggrieved as they do now under Provincial Autonomy by the unwise policy and unjust action of the present Government which has surrendered to militant mobs, composed mostly of ignorant, biased and intolerant people and assembled to prevent Muslims on various occasions from performing certain religious acts and exercising their civic rights.

RIGHT OF COW SLAUGHTER

Amongst the rights so ignored and encroached upon is the right of the Muslims to sacrifice cows during the Bakr-Id festival and eat beef on any day or occasion they like. The Government and their officials have by executive orders recently prevented Muslims at large number of places in different parts of the Province from killing a cow or a buffalo, not only during Bakr-Id but on any day. This unjust and oppressive action has been taken in the name of law and order and on the false ground that the Muslims did not prove the custom to sacrifice cow or that they proposed to kill cows openly or that it was a nuisance in the eyes of some people, and so on.

PRESENT ANOMALIES AND IRREGULARITIES

In the first place it is not difficult for any impartial and reasonable person to see that when a cow is killed inside a house or in an enclosed or secluded place without informing the Hindus the custom cannot be proved by any evidence except that of Muslims concerned. But curiously enough little or no weight is attached to the claim and evidence of the Muslims.

Secondly, if in any case a report of one sacrifice is made to the Thana (police station) of the locality, those making the report and the recorders of the report, in a vast majority of cases, are Hindus and it is not in their interest, on communal and other grounds, to keep correct and full information on the subject.

Thirdly, if a report is made and recorded it is one-sided and made

behind the back of the Muslims concerned.

RIGHT IRRESPECTIVE OF CUSTOM

Fourthly, sacrifice of a cow has been prevented even where documentary evidence of custom kept at the Thana has been found. And above all, the rights of the Muslims to slaughter cows, eat, buy or sell beef is irrespective of any custom and can be exercised as any other religious or civic right.

These invented grounds are being urged more widely than ever before. Some of the Municipalities, dominated and run by the majority community and the Congress party, are preventing the Muslims in the exercise of their old and legitimate trade, namely, to sell beef, or even mutton at a shop. This is being done either by executive orders and by threats of violence from riotous mobs who are treated as arbiters in the matters of rights of the Muslim minority.

This meeting of the Working Committee of the Bihar Provincial Muslim League views with alarm the situation created by the Government and is surprised at their reply to Mr. Ali Manzar's adjournment motion in the Bihar Legislative Assembly on the 25th June that the Muslims of Amin in the District of Monghyr should go to a civil court to prove their custom to kill cows for domestic consumption on ordinary days and that the Government will then consider whether the right, if so established, should be recognised by them or not.

It has already been held by various courts, including the highest tribunal (the Privy Council) in a number of cases, that the Muslims have a religious and civic right to sacrifice or kill cows for beef without seeking to derive authority from any custom. And above all, the Muslims cannot allow any of their religious rights to be made dependent on custom or a decision of any court. Their right to sacrifice cows is based on their scripture (Koran) and no authority can be recognised by them as higher than, or equal to, this book in religious matters.

CONGRESS PUNISHING MUSLIMS

This meeting condemns the action of the Government in punishing and humiliating the Muslims of Meghwan, Manjhaul, Amin and other places, who only wanted to exercise a well-recognised right and in allowing the Hindus to go free, though they had formed riotous and unlawful assemblies and had caused considerable damage to the property of the Muslims maliciously. The policy and action of the Government

and some of their officials have had the effect of encouraging a section of Hindus to take the law in their own hands and prove the triumph of brute force and unlawful acts over justice and reason.

OUTRAGEOUS AND UNWORTHY OF STATE

It would be an outrageous policy, unworthy of any Government, to prevent a person or party from exercising his just rights on the ground that another party, who may happen to be in the majority, objects to the exercise of that right and, therefore, the weaker or the party in the minority must be deprived of their right in the name of law and order. Muslims have been enjoined by their religion to prevent idol worship and other idolatrous practices. Will the Government abolish or restrict idol-worship and prohibit public exhibition of idols in processions in the name of law and order, if some Muslims object to it or form an unlawful assembly to secure their object?

In the interest of the Hindus and Muslims and in the name of toleration and good administration, it is necessary to demand from the Government a clear and definite statement of their policy on the question of killing cows. Do they intend to deprive the Muslims of their rights gradually and expose them to attacks or do they propose to perform their duties of protecting the weak firmly and effectively? Are they afraid to do the right or will they admit their incapacity to do it?

WILL MUSLIMS MIGRATE FROM BIHAR?

Muslims will have to decide soon whether they should migrate from this province or face annihilation if the present state of constant conflicts with a section of Hindus and perpetual anxiety, insecurity, sufferings and humiliations continue owing to the present policy of the Government.

If this course is impracticable and undesirable they may in a body adopt another course to settle the vexed question once for all. It is perhaps useless to remind the Congress Party of their professions in the past and resolutions adopted at Karachi and other places since they appear to have been made without the intention of fulfilling them. If the Government wish to see the Hindus and the Muslims involved more deeply and widely into a disastrous quarrel of a lasting character the Government might go on pursuing the policy they have adopted instead of preaching and practising and enforcing absolute toleration in matters of religious or sentimental differences between the two communities and

punishing and restraining only the aggressors and opponents of a right effectively and compensating the weak and the aggrieved.

COMMUNAL RIOTS

Muslims in Bihar are mostly concentrated in the towns, only a very small minority being in the rural areas. But those that live in the villages are in constant dread of the Hindu majority and events have fully established that their anxieties and fears are neither unfounded nor unreal. There used to be communal outbreaks in the past but since the inauguration of Provincial Autonomy these have increased greatly in number.

Tilkori:

At Tilkori, a village in district Hazaripur, where out of a population of 2,000 only 30 are Muslims (male adults being only 17) a riot occurred on April 24, 1938. A Muslim of the village was giving a wedding dinner to his coreligionists and was, for that purpose, preparing beef in his house. A number of Hindus of the village came to his house and charged him with killing a cow and demanded the head and skin of the animal alleged to have been slaughtered. The Muslim tried to assure the Hindus that the beef had been brought from a neighbouring village but the Hindus, refusing to accept this statement as true, forcibly entered the *zenana* quarters of the Muslim house, dragged him out and belaboured him. Two Muslims of the village were beaten and, helpless as they were, the mouth of a living pig was inserted into their mouths, an action highly shocking to Muslim sentiment. Four of the injured Muslims were sent to hospital. A report of the incident was made to the police by the village Chowkidar but until the arrival of the police Hindu lawlessness continued and even the police were able to restore order with some difficulty.

This incident, serious though it was, failed to attract the immediate attention either of the Government or the Congress. Atrocities bordering on Nazi terrorism had been perpetrated on a microscopic minority in a village and the Congress remained unmoved. Compare this with the prompt notice taken both by the Congress and the Government of a minor quarrel between a local zemindar and a Congress worker about a month before this riot in an adjoining village. Protest meetings were held and a huge demonstration was organised by local Congress workers. Even the Government sent one of their Parliamentary Secretaries post-

haste to make inquiries on the spot.

Since the report was written the case has been decided. The Magistrate was disinclined to believe the story of the mouth of a living pig being inserted into the mouth of Muslims.

Bhagalpur:

As regards the Bhagalpur riots, Mr. M. A. Mannan, General Secretary of the Bhagalpur District Muslim League, wrote a lengthy letter in the *Advance*, Calcutta, and dealt in detail with the situation in this district. We reproduce a paragraph from his letter here :

"It has now been well established beyond doubt by statements issued from time to time by Molvi Abdul Hameed Rasumi (Congress), Assistant Secretary of the Muslim Mass Contact Sub-Committee, Bhagalpur, Mr. Qasim Hussain, B.L., Congress Municipal Commissioner and zemindar, Mr. Jameel Ahmad Khan, B.L. Pleader and Congress Municipal Commissioner, Maulana Minnatullah Sahib, an Independent Party M.L.A., and no less a person than Maulana Ahmad Saeed Khan, a great supporter of the Congress and President of the Jamiatul-Ulema Hind that the Hindu Mahasabhaites and Congressmen of Bhagalpur entered into an unholly alliance with each other and were thus making preparations and fomenting agitation against Muslims three months previous to the day of actual riots to Bhagalpur."

So far we have received no information of any disciplinary action being taken against the Congressmen responsible for creating communal trouble according to the statements of responsible Muslim Congressmen. We have purposely abstained from giving the details of these riots which are only too well-known to the public to need repetition here.

Khairatia:

It was on December 1, 1937, that Mr. Abdul Ghani, M.L.A., came to know of the riot at Khairatia village, Saran district. He immediately proceeded to the village and found that the houses of Muslims had been burnt and looted and several persons had been badly wounded. Some of the Muslims had fled to Seewan on the very night of the occurrence. The Muslims were panic-stricken as no help was rendered to them. Mr. Abdul Ghani on his arrival rendered first aid to the injured men. The village is divided into two main parts of which

the northern half is entirely populated with Hindus and the southern one mainly by Muslims. This Muslim quarter is a narrow strip of land extending over several hundred feet, but is very thinly populated and is surrounded on all sides by Hindu houses. Hindus were greatly annoyed with the Muslims since last Bakr-Id festival when the latter filed a civil suit for declaration of their civil right of cow sacrifice in the village. This appears to have enraged the Hindus of the locality.

According to our information, in November last some trouble arose when the sugarcane of one Muslim peasant was being cut. Hindus assembled near the field and a crowd of many thousands attacked the Muslims, who were overpowered. They fled for their lives and some of them took shelter in their houses and some in a mosque. The Hindu rioters, who came from neighbouring villages, started looting and setting fire to the Muslim houses. Even the mosque was not spared by the Hindus who attacked the Muslims there with spears, *lathis* and brick-bats. A number of Muslims were injured and many had spear wounds. Pools of blood were found inside the mosque and its outer verandah by Mr. Abdul Ghani when he visited the mosque which, too, was badly damaged by the rioters. A shop, which was started to meet the needs of the Muslims who had been boycotted by the Hindu shop-keepers of the village, was also looted and destroyed altogether.

It is regrettable that no help was rendered to these sufferers either by the Congress workers or by the Seva Samiti volunteers. Though responsible Congress workers were seen returning from the village Lohganjar, the headquarters of the rioters, by Mr. Abdul Ghani, the next day after the occurrence, they did not bother to have a look at their Muslim brothers whom they so often ask to join the Congress on economic issue.

It is indeed shocking to describe in words the brutalities, tyrannies and oppression perpetrated upon the poor Muslims of this village. All utensils, clothes, agricultural implements, animals, grain and other necessities of the life were either burnt and destroyed or taken away by the rioters. The women and children took shelter in the neighbouring sugarcane fields. The Muslims had no grain left in their houses and no clothes to protect them from the cold. Altogether 19 Muslims were injured while two Hindus received minor injuries. Most of the Muslims had to be removed to the Siwan Hospital and were laid up there for weeks.

When we visited the locality the case was pending in court and so we refrain from giving our findings.

Darbhanga:

Mr. Muslehuddin, Secretary of the District Muslim League, Lahiria Sarai, personally investigated into the following incidents and submitted to us the following report :—

At Maghwan, police station Benipatti, Madhubani, notices were served under section 144 Cr.P.C. prohibiting the Muslims from performing cow sacrifice on the occasion of Bakr-Id, which was being performed in the village since time immemorial. Those on whom the notices were served performed no sacrifice but others did. Cases against the latter are pending. As a protest against the statement of the Bihar Premier in the Legislative Assembly, during the pendency of the cases, that the Muslims of Maghwan sacrificed cows against custom, the accused persons have refused to defend themselves on the ground that the Premier's statement on the *sub judice* cases had entirely prejudiced their defence.

Madhupur:

The Hindus of Madhupur boycotted the Muslims three months after the Bakr-Id to get an assurance from the Muslims that they would not perform any cow sacrifice in future. Arrangements were made by the Muslim League to help the Muslims. A mud bazaar was built by the League members of Ratwara and Maniarpur, and several respectable League members who had never before done any manual work, lent a hand in the building of the bazaar for Muslim shopkeepers.

A Hindu teacher removed the Muslim League flag from the school while allowed the Congress flag to remain there.

Siswar:

The Hindus prohibited the Muslims from calling the *Azan*. A case was filed in the court. Then the Congressmen built two paper effigies, one representing a Hindu and the other a Muslim with a long beard and a Turkish cap. A person started striking the beard with a stick saying, "Pray to the Congress Pandit for relief otherwise you will be nowhere." The police took immediate steps and an ugly situation was averted.

Central Provinces and Berar:

Since the inauguration of Provincial Autonomy Muslims in no other province have suffered so much as in the Central Provinces and Berar, where they form a very small minority and are poor and educationally backward.

The province is almost entirely agricultural but the number of Muslim agriculturists is very small. The Muslims are mostly workers in mills or Biri manufacturers.

In fourteen districts of the province Hindi is the commonly spoken language, while in the Berar and the greater part of the five districts which constitute the revenue division of Nagpur, Marathi is the predominant language. Muslims all over the province speak Urdu. Before Berar was transferred to British rule the court language of this province was Urdu.

BANDE MATRAM

Muslims from all parts of the province complain that the song *Bande Matram* is forced upon Muslim boys in Government schools and in those managed by Municipalities and other Local Bodies. Khan Saheb Abdur Rahman Khan, M.L.A., visited the Vidya Mandir Training College and found that Muslim boys were compelled to stand with folded hands when this song was sung.

The Premier has issued instructions that all officials should stand when *Bande Matram* is sung.

Khan Saheb Abdur Rahman Khan states in the *Star*, dated July 10, 1938, that at the time of the presentation of a civic address to Mr. S. C. Bose at Nagpur when the song *Bande Matram* was being sung the Congress Premier himself asked the audience to stand up. He was himself subjected to ridicule and abuses by the Congress organ *Samaj Sevak*, edited by the Secretary of the District Congress Committee, on having refused to stand at the time of the recital of *Bande Matram* at a meeting addressed by Mr. Gupta, a Congress Minister.

Moulvi Abdul Haq, in a letter to Mahatma Gandhi, published in the *New Times*, dated September 20, 1938, says : "The Indian National Congress makes so much of its promise to safeguard the language and cultural interests of the minorities. That being so, you will feel shocked to know what a representative of my Anjuman had to witness at the village school of Pandharna in the district of Chhindwara. Before the day's work was begun in that school, the Muslim boys had to

offer, with folded hands, along with the Hindu boys, *parasthana* before the image of the goddess Saraswati. It was found that the Muslim boys were not to wish each other in their usual Islamic way, but to say *Namaste* and *Ramji-ki-Jai.* I ask you is this safeguarding the interests of our language and culture ?"

LOCAL BODIES

In the Central Provinces and Berar there are 83 Local Boards which are elected on the system of [a] joint electorate without any reservation of seats. It is almost impossible for the Muslims to get themselves elected under the present system. Previous Governments used to redress communal inequalities by means of nominations. But since the Congress has assumed the reins of Government, even this method does not help the Muslims, for nominations are made for party purposes and the interest of Muslims are ignored. The Muslims are thus much worse off than they were under the previous Government.

DEBT CONCILIATION BOARDS

The Government appoints practically for each Tahsil of the province a Debt Conciliation Board consisting of all non-official representatives of debtors and creditors. The only exception is the Chairman who is usually a Government servant. Prior to the assumption of office by the Congress there was not a single Board without at least one Muslim on it. But now under the Congress regime there are many such Boards without any Muslim representation. It may be added that the Muslims in this province are generally very poor and are largely in debt. The Muslim members on these Boards represented the interests of not only his [*sic.*] community but also of debtors in general. The creditors are usually Marwaris and Brahmans who usually carry influence with the Congress.

It was further represented to us that friends and relations of the Ministers were appointed members of these Boards, while Muslims and Harijans were excluded.

COW PROTECTION

A notice was served by the Municipality of Jubbulpure imposing extra taxes and other restrictions on cattle dealers. A Bill has been

moved in the C. P. Legislative Assembly to amend the C. P. Slaughter of Animals Act. The Muslims complain that if the Amendment Bill is passed it will make impossible not only animal slaughter for commercial purposes but also for social and religious purposes. Under the cover of economic and sanitary grounds and in the name of protection of animals attempts are being made to put a stop to the slaughter of animals by means of legislation and municipal regulations.

Reports of organised efforts in the cattle markets preventing the sale of cattle to Muslims were also made to us. Khan Saheb Abdur Rahman Khan has pointed out in the *Star* of July 10, 1938 : "The majority of local bodies have put heavy restrictions and have levied prohibitive fees on the slaughter of animals, the most objectionable of them being those which were adopted in the regime of the Hon'ble Mr. D. P. Misra (now a Congress Minister) as Chairman of Jubbulpore Municipality. The bye-laws prepared by Mr. Misra were kept in abeyance on the interference of the C. P. Government and that of the Government of India but they were confirmed and brought into force on the very day on which the Congress Government accepted office and Mr. D. P. Misra assumed the charge of the Local Self-Government portfolio.

Mr. M. G. Chitnavis is the President of the C. P. Hindu Sabha and Vice-President of the All-India Hindu Mahasabha. He brought a Bill in the Provincial Assembly to prohibit cow and cattle slaughter throughout the province. This is how the Bill was introduced. On December 10, 1937, the Speaker at 1.15 p. m. asked whether there was going to be any motion. Mr. Chitnavis was absent. He attended the Assembly at 4 p. m. His motion for circulation was allowed even without asking for an explanation from him or inviting objections from the House.

SUPPRESSION OF LANGUAGE AND CULTURE

The Muslims generally complain of want of Urdu schools even in districts as Saugor and Mandla where the number of Muslims is enough to justify the opening of such schools. In high schools the medium of instruction in Hindi or Marathi. It is reported that some Municipal Boards abolished Urdu classes, while one refused grant to a secondary Urdu school. The Anjuman Islamia Press at Jubbulpore was supdorted by the old Government. An arrangement

was made by which Government printing work was given to that press and the profits were utilised for the maintenance of the Anjuman Islamia High School. The Congress Government is now contemplating to change this arrangement without providing funds for the school.

No application in Urdu is entertained by Municipal Committees. Complaints are also made of the want of supervision in Urdu Primary schools.

Speeches delivered in Urdu in the Assembly are reported in Hindi or short summary of them is given in English. When the Speaker was approached and the questions were asked in the Assembly both the Speaker and the Premier expressed their inability to grant request for speeches being reported in Urdu.

The whole of the Betul district has been converted into a compulsory education area. The Government has provided for expenditure with the express condition that medium of instruction will be only Hindi. Thus the whole population of a district is being systematically converted into a Hindi-speaking population.

The following is a quotation from the letter of the Speaker of the C. P. and Berar Assembly to K. S. Abdur Rahman :—

"As to the point of Urdu being recognised as one of the vernaculars of the Assembly, the question involved is probably a matter for Government. As it must have Government recognition as a language of the province . . . The use of the script, of course, presents a difficulty which we all know."

The Government admits that there is not a single Urdu school throughout the rural area of Saugor district, while there are only five Urdu schools in urban area. Five schools situated in a city cannot satisfy the education of the whole district. This is another district where the Muslims are converted into Hindi speaking population at the cost of their language and culture.

We reproduce here a circular letter from the Chairman, Local Board, Chandwar, which is one of the glaring examples of the methods adopted by the local bodies under the Congress regime to systematically force Hindu culture and religion on Muslims in minority provinces. The fact, that the Chairman of a Local Board asked the Headmaster of Urdu schools (where Muslim are in overwhelming majorities) to have the worship of an image of Mahatma Gandhi as part of the birthday celebrations, show how callous the Congress is of the religious

sentiments of the Muslims whose religious rights are supposed to be safe in the Karachi Congress resolution on minority rights.

سرکلر :

۴۴۶
جاری نمبر
۲۴ ستمبر سنہ ۱۹۳۸ء

منجانب عالی جناب چیئر مین صاحب

لوکل بورڈ چاندور

صدر مدرس اردو اسکول . . . . کو آگاہ کیا جاتا ہے کہ تاریخ ۲ ستمبر صداقت اور عدم تشدد (ستیہ اور اھمسا) کا تمام عالم کو پیغام دینے والی عظیم المرتبت ہستی مہاتما گاندھی کا یوم پیدائش ہے - لھذا اس روز تمام مدارس میں مہاتما گاندھی کے یوم پیدائش کی تقریب منائی جائے -

اس روز صبح ۸ بجے سے ۹ بجے تک تمام اراکین اسکول کمیٹی کو نیز بستی کے دیگر معززین کو مدعو کیا جائے اور مہاتما گاندھی کی تصویر کی پوجا کی جائے - اور اُن کے بلند نظریوں کے متعلق حاضرین کو نیک ہدایت دی جائے - اور اُس کے بعد جلسہ برخاست کیا جائے اور مہاتما گاندھی کا یوم پیدائش منائے جانے کی اطلاع بواپسی ڈاک ہم کو کی جائے -

شرح دستخط

کھنڈے راؤ پانڈورنگ دیشمکھ
چیئرمین لوکل بورڈ چاندور

مورخہ ۲۴-۹-۳۸

CIRCULAR

JAWAK [*sic.*] No. 446
Dated 24th September, 1938

From,
The Chairman,
Local Board,
Chandwar.

The Headmaster of the Urdu School............is informed that September 2 is the birthday of that great personality Mahatma Gandhi, who has given the message of truth and non-violence (*Satya* and *Ahimsa*) to the world. Therefore, celebrations in honour of Mahatma Gandhi's birthday should be held in all schools.

On that day from 8 to 9 in the morning all members of the School Managing Committee, as also all other gentry of the village should be invited to the school. The picture of Mahatma Gandhi should be worshipped and his high ideals should be explained to the audience.

After this the m-eting should be dispersed and I should be informed, by return post, of the celebrations in connection with Mahatma Gandhi's birthday.

(Sd.) Khandey Rao Pando Rang Deshmukh,
Chairman, Local Board, Chandwar.

VIDDIA MANDIR SCHEME

The word Mandir in common parlance means a place of idol worship. As such the very name goes against the grain of Islamic tenets and becomes repulsive to a Muslim. Knowing all this full well, it is surprising how the great champions of Indian nationalism, the Congress Ministers, could give such a communal and anti-Islamic name to a scheme of education which is meant for the children of all communities. According to the scheme :

> "Every village or group of villages within a radius of a mile having no schools and where about 40 boys and girls of school-going age are available shall have a Viddia Mandir . . . In all Viddia Mandirs, education shall be through the medium of the mother-tongue. We shall have, therefore, Marathi Viddia Mandirs, Hindi Viddia Mandirs and Urdu Viddia Mandirs, accord-

ing to the needs and circumstances of the residents of each place where Viddia Mandirs are founded."

In theory the scheme does not neglect Urdu but in actual practice Urdu has been entirely extinguished. According to the scheme, the schools will be founded within a radius of one mile if 40 boys and girls of school-going age are available and the schools will be according to the needs and circumstances of the residents of each place.

In a province like Central Provinces, where the Muslims are only four per cent. of the total population, will it be possible to have Urdu Viddia Mandirs under the scheme?

It is stated on behalf of the scheme :

"The name is attractive in more ways than one. To 99 per cent. of the population in villages, it will be a source of inspiration, and it is hoped that it will appeal to their generous and charitable minds."

Considering the proportion of the Muslim population in the rural areas it is clear from the above quotation that the scheme is meant for the benefit of the majority community only and the appeal to the generous and charitable minds of the 99 per cent. of the total population in village is purely of a communal nature.

The scheme has already been elaborately criticised and commented upon by eminent educationists like Maulana Abdul Haque and others so there is no need for us to say anything further.

COMMUNAL TENDENCIES OF THE CONGRESS REGIME

Several instances were given to us to show the communal tendency of responsible Congressmen. It was pointed out that one of the Ministers presided over a gathering held in honour of the President of the Hindu Mahasabha. Further, it was pointed out that the Congress Government had provided a huge sum of money for the Hanuman Akhara, which is the training ground for the Mahasabha. At a conference held under the presidentship of Mr. Sarat Chandra Bose and attended by Pandit Jawaharlal Nehru a huge decorative arch was put up in the name of Mr. Savarkar, the Mahasabha President.

The Central Provinces Congress Committee, according to Mr. Abdul Rahman's statement, had issued instructions that while a Hindu could enlist himself as member of the Mahasabha and the Congress at one and the same time, no Muslim could become a

member both of the Muslim League and the Congress.

Mr. Savarkar was presented with civic addresses at Khamgaon, Darwha, Yeotmal, Nagpur, Akola, where Congressmen took an active part in the functions. Prominent and leading Congressmen also addressed reception meetings held in honour of Mr. Savarkar. The Hon'ble Mr. R. M. Deshmukh, Congress Minister, presided over a reception given to Mr. Savarkar at Nagpur. A decorative arch was erected and named after Mr. Savarkar at Shendurjana where the Berar Congress Committee held a Congress conference under the presidentship of Mr. Sarat Chandra Bose and which was attended by no less a person than the then Congress President, Pandit Jawaharlal Nehru. The Prime Minister has admitted that individual Cogressmen attended the meetings addressed by Mr. Savarkar. This does prove that Mr. Savarkar still attracts the Congress people in the C. P. and Berar.

UNDUE INFLUENCE ON MUSLIMS

In the village Rehli, Saugor district, it was pointed out to us that Muslim labourers were turned out by their Hindu employers because they had voted for the Muslim League candidate in the Assembly bye-election. The poor men had to migrate to the city and elsewhere to seek their livelihood.

It was also represented to us that a sum of Rs. 500 used to be paid to the Mohammad Ali Serai but since the Congress came into power the amount has been stopped and a resolution passed transferring the amount to the Shradhanand Asthan.

COMMUNAL RIOTS

A resolution was moved by Mr. N. P. Misra in the C. P. and Berar Legislative Assembly recommending to the Government to institute an inquiry into the causes that led to the disturbances at Jubbulpore during the last Dassehra festival. Khan Saheb Abdur Rahman Khan wanted to propose an amendment which wanted to extend the inquiry to the general causes of communal dissensions in the province. It was ruled that the amendment was not within the scope of the resolution. The Prime Minister gave an assurance that he would personally make an inquiry. The Hon'ble Member representing the Anglo-Indian community thought that an inquiry as to why a certain trouble arose in Jubbulpore was almost futile. There were

deeper causes underlying the communal troubles than just isolated outbreaks here and there.

The motion was adopted and the inquiry was held by the Hon'ble the Premier. Up to the time of our visit to the province the findings of the inquiry were not available. Speaking on the Holi riot, Mr. V. R. Kalapa, a non-Muslim, in his speech remarked that a riot had taken place five months before, but the same officials continued to remain in charge of Jubbulpore, though they had failed to manage a similar situation. Mr. A. N. Haq thought that it was no use hiding the fact that there was a feeling among the members of the majority community that the Congress Government meant Hindu Raj.

The C. P. Premier thought that certain persons wanted to seek notoriety by creating communal discord.

Later an adjournment motion was moved. Mr. Iftikhar Ali said that the Moharram procession was boycotted by Hindus. There had never been any communal disturbance on that occasion. Notices were served under section 107 Cr. P. C. against a number of Muslims. Stones were thrown on the Muslim procession. Reports were made to the police and the Muslims maintained peace. Two or three persons were seen throwing stones. One of them was a resident of a distant mohalla. That shows what the man was there for. In spite of the fact that the Moharram processionists had *mashals* and *lathis* and were repeatedly provoked, they maintained a peaceful attitude. In one case the head of a pig was thrown on a *tazia* and yet the Muslims did not retaliate.

Mr. Iftikhar Ali further reminded the House that only one incident of alleged stone-throwing at the last Dassehra festival had created a riot which lasted for more than a week. The Holi procession was arranged, according to the Speaker, in a manner in which it had never been arranged before. Hitherto the Holi procession used to move in particular mohallas only and then dispersed. This year the procession was taken from one and of the town to the other.

Mr. Hardas (Depressed Class) took the view that the inquiry into the causes of Hindu-Muslim dispute might involve the examination of some responsible members of the Congress Party. According to his view, the Muslims sought the protection of His Excellency the Governor and not of the Ministers because they had no confidence in them. The Speaker also referred to the dispute over the proposed regulation regarding registration of marriages in the Jubbulpore

Municipality. He, therefore, appealed that the inquiry may not be undertaken. He added that the first inquiry had remained incomplete.

We do not propose to give details of atrocities committed. We shall confine ourselves to some general observations. We are inclined to agree with the observations made by the Rev. Rogers, the representative of the Anglo-Indian community, during the debate that took place on the appointment of an inquiry committee in connection with the riots, that "the causes lie deeper". We are inclined to think that the general policy of the Government has not been conducive to the creation of a peaceful atmosphere. Stone-throwing may incidentally lead to a riot and the riot may be attributed to that fact, but where previous arrangements are made by any party, they should naturally lead to the conclusion that riots are pre-arranged.

Before we conclude we may add that cases against all those arrested and charged with rioting in Jubbulpore have been withdrawn by the prosecution. The Muslims have strongly protested against this action of the Congress Government. It is action like this that leads to more communal tension and makes Muslims lose confidence in the government of the day.

BOMBAY PRESIDENCY

One of the handicaps under which Muslim minorities in the provinces labour is the provision in the Legislative Assembly Rules fixing the minimum number of members who must stand up to support adjournment motions before the House grants leave. In Bombay, the minimum necessary is 36, while there are only 30 Muslim members in the Legislative Assembly. Thus even if all the Muslim members join hands they cannot provide the requisite number for an adjournment motion. Most of the grievances of the Muslims of these minority provinces, specially those of Madras, Central Provinces and Berar, Orissa, Bihar and Bombay cannot, therefore, be ventilated on the floor of the Assemblies.

Since the Congress Government came into power many injustices have been done to the Muslims but very few of them could be discussed in the Assembly due to the provisions in the Assembly Rules.

The Congress Government has issued orders to the District officials to consult the Presidents of the Local Congress Committees regarding (1) the nomination to the local bodies and municipalities, (2) the allocation of seats on different bodies. No such orders have been issued about

consulting the Muslim League officials, with the result that most of the nominations go to such Muslims who are definitely hostile to the League and, further, they are willing to subordinate the interests of the Muslim community to those of the Congress and the Hindu community.

Then there have been many instances in which a Government official, who refused to be intimidated by the majority and upheld the just rights of the Muslims, has been victimised by being transferred. There is an Idgah at Rander in the Surat district. The waste land adjoining it belongs to the Government and was, until recently, used as a stand for vehicles during the Id festival. This land was also utilised by the peasants for storing their crops after cutting them. The Hindu peasants applied to the Government for permission to fence this land and thus prevent the Muslims from its use during the Id day. The Deputy Collector in charge of the Pargana, Mr. Suleman K. Desai, refused to grant this permission. His decision was upheld by the higher revenue authorities on appeal and the Collector cancelled the permission for the land's use for harvesting. The Hindus filed a suit against the Government and the then Government filed a written statement denying the right of the Hindus and decided to contest the suit. When the Congress Government came into power, the Revenue Minister admitted the claim of the Hindus and allowed them to fence the land. Mr. Desai was transferred from the district to Sholapur.

Then the European Superintendent of Police, Khaira district, who removed the wreath of leaves tied across the road to prevent the passing of the *tazia* procession by the Hindus of the Vehra village, was replaced by a Hindu officer soon after the incident.

BANDE MATRAM

The School Boards of the local bodies in the Presidency have issued circulars ordering that the day's work in all schools should begin with the singing of the *Bande Matram.* The School Board of the Ahmedabad District Board issued one such circular, which led to a protest by the Muslims of the district but they did not get any redress. Then, on October 2, 1938, the Ahmedabad Municipality arranged celebrations in honour of Mahatma Gandhi's 70th Birthday. All teachers and pupils of the municipal school, including Muslims, attended the celebrations, which began with the singing of the *Bande Matram.* Moreover, all the students were asked to wear Gandhi caps on the occasion and to join in the singing of the song. Other such instances were brought to our notice

but we have purposely refrained from incorporating them in this report.

LOCAL BODIES

The Congress Government has abolished the system of nomination to the local bodies. The Muslim League members in the Assembly too supported this decision of the Government. Unfortunately, however, the redistribution of seats in the various local boards has affected the minorities adversely. In boards where the Muslims had four seats in a total of 40 they have now been given only three out of 50 seats.

Then the seven wards of the Bombay Municipal Corporation have been divided into 19 wards. It may be added that this is the only municipality where there is [a] joint electorate. Under the old system the Muslims used to get an average of 26 to 27 seats in a house of 114. But now as the result of the sub-division of the wards the Muslims would only be able to return 18 or 19 members. This is not our or the Bombay Muslims' estimate but that of the Congress Minister of Local Self-Government. It is thus clear that the redistribution of the wards is designed to cut down the number of Muslim seats. Muslims have been thrown in such minorities in different wards as to make them ineffective at the time of election.[1]

Then the old City of Bombay Act provided that four seats on the Schools Committee of the Bombay Municipal Corporation should be reserved for Muslims. This representation of the Muslims was necessary as they have their special educational problems. Under the new Act even this reservation of seats has disappeared with the result that the Muslims would hardly be able to secure more than one or two seats on this committee. This would also adversely affect the Urdu schools under the Corporation.

IDENTICAL INTERESTS WITH MAHASABHA

The English School at Makhjan, Taluqa Sangmeshwar, district Ratnagri, gets a grant from the Education Department of the Provincial Government. It opened a *lathi* Sangh in 1935 for physical education and affiliated this Sangh to the Hindu Sabha at Nagpur. A condition for admission to this Sangh is that all pupils who want to join it should be members of the Hindu community. The Muslim students thus cannot get any benefit out of the Sangh, which is supported by public money.

No separate arrangements have been made for the physical training of the Muslim students of this school.

SWARAJ EQUAL TO RAM RAJ

Before the Congress took over the Government of the province, there was a provision in the budget of the interim Ministry for grant of scholarships to Muslim students as the Muslims are backward in secondary education. The Congress Cabinet cancelled this provision in the budget. This is one of the examples of how much the Congress cares for the educational advancement of the Muslims.

SUPPRESSION OF URDU PRESS

It was represented to us by the Bombay Provincial Muslim League that at the time of communal troubles in March last some Muslim papers were singled out for securities under Section 144 Cr. P. C. and they were ordered to show their news relating to the riots to the Commissioner of Police, Bombay, before publication, while no action was taken against papers edited and owned by Hindus in spite of the fact that allegations of fomenting communal feelings were made against them.

There are very few Muslim papers in the province and their financial position is not very sound. Three papers, two Urdu and one Gujrati, are published from Bombay. One weekly is published from Ahmedabad, and one from Surat. These newspapers used to get advertisements from the previous Government but these have been stopped by the Congress Government. Since the *Deen*, Kalupur, Panchpatty, took up the cause of the Muslim League, it has ceased to get Government or Municipal advertisements. Similarly the *Muslim Gujrati* has been banned from all recognised libraries.

CLOSING OF BURIAL GROUNDS

There is a 500-year old Muslim burial ground in Ahmedabad, known as Pir Kamal's *Qabaristan*. For the last four or five years the Municipality of Ahmedabad has started development of the locality round about the burial ground under the Town Planning Scheme and many rich Hindus have built houses in this part of the town. The Municipality, which has a Hindu majority, passed a resolution closing this burial ground. The District Muslim League took up the case of the Muslims and wanted to stage a demonstration before the

Town Hall on the day that the resolution was going to be discussed. The Municipal authorities, coming to know of the League's intention, called the help of the local authorities. The district authorities prevented the procession from entering the Town Hall compound and from holding a protest meeting in a nearby Maidan. The League thereupon held a meeting in the Jama Masjid and passed a resolution protesting against the closing of the burial ground. No action has been taken by the authorities for the restoration of this Muslim burial ground.

SCHOLARSHIPS SUSPENDED

Applications for exemption from fees in schools are generally invited at the beginning of the sessions and all those who secure exemption enjoy it for the whole academic year. Act Chiloda, Ahmedabad district, these exemptions were granted in the month of June, 1937, and among the recipients were several Muslim pupils. But after the communal tension in the locality during the month of September, 1937, all the students were asked to apply afresh and the previous exemptions were cancelled. As a result of this extraordinary procedure all the Hindu students retained their freeships as their case was recommended by the members of the School Committee, while the applications of the Muslim boys were rejected because they were not recommended by the members of the School Committee. It is needless for us to point out what hardship this uncalled for procedure caused to the parents of the Muslim students.

COMMUNAL RIOTS

The Hindus of the village Satpati in the Palgarh Taluqa, District Thana, played music before a mosque on August 9, 1937. The Musalmans tried to prevent it with the result that there was a minor Hindu-Muslim riot. The Muslims being in a very small minority had to yield and the Hindus kept on playing music, delibrately outraging the religious feelings of the Muslims, and no protection was given to the Muslims by the Government. The Muslims persisted in their demand to prevent a recurrence of the incident, but with no result. The Hindus in return socially boycotted the Muslims.

The Hindus of Vehra, a village in Khaira district, tied a *toran* (wreath of leaves) across the road in such a manner that on the day of Moharram *tazias* could not pass. The Muslims applied to

the District Magistrate, who had the *toran* removed. The Hindus appealed to the higher authorities, who dismissed the appeal. When the Congress came into power the Hindus appealed to the Government, who cancelled the previous orders of the revenue authorities and ordered the *toran* to be tied. The Muslims could not carry their *tazias* on the last day of Moharram this year. The Muslims appealed to the officers to get the *toran* removed at least temporarily to allow the *tazias* to pass but nothing was done. When the *tazias* were lying there for two days the European Superintendent of Police had the *toran* removed and the *tazias* passed but the Superintendent was immediately replaced by a Hindu officer.

Another Hindu-Muslim riot took place at Nadiad in Khaira district during Moharram this year. Stones were thrown on *tazias* and many shops looted. Sixteen complaints were lodged by the Muslims and 9 complaints were lodged by the Hindus. The Police registered two Muslim cases and 5 Hindu cases.

A similar incident occurred at Boisar in the Taluqa of Palgarh when Hindus played music before that mosque and on a protest being lodged by the Muslims the Hindus boycotted them socially.

There was an agreement between the Hindus and Muslims of Dhanduka, a town in Ahmedabad, that music will not be played within a certain distance of a mosque. But the Hindus broke this agreement in August, 1938. Telegrams were sent to the district authorities and the Home Member but no steps were taken to prevent the breach of the agreement.

UNITED PROVINCES

The Muslims form only fourteen per cent. of the total population of the United Provinces and of these the large majority are town dwellers. Of the urban population Muslims constitute thirty per cent. as compared with fifty-nine per cent. of Hindus. Before the inauguration of Provincial Autonomy, though religious feelings at times grew tense, they did not manifest themselves in the Legislature. In the present Legislative Assembly, however, things are different.

The Muslims of these Provinces were the first to organise themselves and enjoy the right of separate electorate in Municipalities and District Boards. Attempts to restrict the civil rights of Muslims through Municipal regulations or legislative measures have not been so marked here as in some other provinces where the Muslims are

in minority. So far they have been affected only by the general policy of the Congress Government.

CONGRESS FLAG

There have been many disputes at various places regarding the hoisting of the Congress flag on public buildings.

It became the general tendency among local bodies to pass resolutions in favour of hoisting the Congress or Muslim League flag on public buildings. In the Municipal Board of Cawnpore the Muslims raised a storm of protest when orders were issued asking all aided institutions to hoist the Congress flag on their buildings on pain of forfeiting their grants-in-aid. On the other hand, when in the Municipal Board of Bareilly a resolution was passed that the League flag be hoisted on Municipal buildings difficulties were placed in the way of hoisting the flag.

COMMUNAL RIOTS

There has been a crop of communal riots all over the province since the Congress came into power, the most serious being those at Pilibhit, Dadri, Pipra, Allahabad and Tanda. At Allahabad the situation still continues to cause anxiety.

Before going into details of these riots we give below a summary of the proceedings of the U.P. Legislative Assembly on the communal disturbances debate.

In moving the adjournment motion Mr. Farooqi said that a section of irresponsible persons had created the impression that there was now Congress Raj and the majority party had become so much conscious of its power that it thought that it could do anything and commit any excesses without any protest from the minority.

Proceeding, he said that the whole mischief was caused by the circular of Government that the district officials should consult the Congress Committees. This had resulted in a demoralisation of the local officials and they could not take an independent attitude on delicate matters. Congressmen had taken up the position of non-official advisers to local officials. In the circumstances selfish people were utilizing the situation to their own benefit or mischievous ends.

He added that communal clashes first started at Dadri. In Benares colour was thrown on some Muslims. He complained that adequate police arrangements were not made when processions were taken out.

At Allahabad, too, there had been similar incidents. All this had happened because Government, by their action, had created a sense of insecurity and failed to maintain peace and order.

Mr. Sampurnanand, Education Minister, said that he had risen to speak not because he was bursting with feelings but because he wanted to place certain facts before the House. The origin of the trouble as stated by the mover was quite incorrect. The trouble started in a clash between the two groups of Hindus on March 16, in which one Hindu was killed. Continuing, he said that it had been alleged that licence had been given to Congressmen to do whatever they desired and that was the cause of the present situation. To him it appeared, however, that a large number of irresponsible persons had brought about the present situation by fostering the view that the Congress Government could be bullied and brought to their knees by false propaganda.

Mr. Muhammad Ishaque, supporting the motion, said that the charges that the whole trouble started with the Government circular to district officials was justified. Congressmen had begun thinking that they could do anything with impunity. Government's action in interfering with the day-to-day administration was responsible for the present situation.

The Minister of Justice said that it had been alleged that Government had failed to maintain law and order and that the genesis of all trouble had been the circular of Government to local officials. He asked whether the Opposition members had any direct information on the points from the 48 District Magistrates and Superintendents. He questioned the correctness of the statement. Irresponsible statements had been made by the League members. Incorrect statements were being published in the Urdu Press. A cry had been raised that Islam was in danger. Speeches had been made that Congress Raj was Hindu Raj and that Muslims should, if necessary, shed their blood . A campaign of lies was being carried on in the Urdu Press. Stories of kidnapping and murder, which had never happened, were being circulated. The minority community was taking advantage of Government's solicitude for the freedom of the Press and speech. He wished that they had dealt with such cases with strong hand. He pointed out that when a Minister of this Government visited Cawnpore leaflets were distributed inciting the Muslims to murder him. Referring to the incident at Allahabad, he said that there would be a judicial inquiry into the matter, but the riot casualties showed that out of 12 persons killed eight were Hindus and

four Muslims. Day after day communal issue were [*sic.*] raised in the Assembly and questions like the percentage of Muslims in various services were frequently asked. The result of fanning the communal feelings was what the Opposition wanted. The adjournment motion had been brought not with the object of ventilating any grievance but to make a political capital out of it. He appealed to the members not to play with human lives which were dear and sacred to every one.

Mr. Aziz Ahmad (Muslim League) said that if instead of indulging in heated speeches they had tried to find out the root cause of the trouble the debate would have served a useful purpose. From his experience of Bareilly he could say that Congressmen were under the impression that their wishes could be defied by nobody. He alleged that Congressmen in Bareilly urged Hindus to observe *hartal* to protest against orders which were usually issued in previous years on such occasions. Referring to Allahabad, he said that the Moharram passed off peacefully due to the restraint shown by the Muslims. During Moharram section 144, Cr. P. C., was promulgated but despite the fact that colour was thrown on hundreds of Muslims on March 16 and persons stabbed section 144, Cr. P. C., was not promulgated in Allahabad till March 17. He was of the opinion that the authorities had been demoralised and Congressmen were riding rough-sho'd over them.

Mr. Zahiruddin Farooqi, replying, said that the speeches delivered on the other said gave him no hope of a solution of the problem. He alleged that the Congress people intoxicated by power and thinking that they had brought the British Government to its knee, were bullying the minority. It was not correct to say that the minority was bullying the majority. The Minister of Justice had blamed only the Urdu Press for fanning the communal flame and had not apportioned any blame to the Hindi Press which was rankly communal in its outlook.

The Premier deeply deplored the motion. It had been asked what was the cause of communal tension. The debate of the evening illustrated it. It was the determination of the Opposition to create some sort of confusion and discredit Government. That was the key to the situation. Proceeding, the Premier said that unfortunately this year the Holi and Moharram fell on the same day. Added to this was the vigorous propaganda carried out by the Muslim League on communal basis. He did not dispute the League's right to carry on legitimate propaganda. But the League propaganda had gone to the extent of describing the Muslim members of Government as Kafirs. Referring to the firing at Allahabad,

he said that it was better to risk injury to a few persons than to see a number of people massacred. He asked the permission of the House to resort to firing more frequently in cases of communal riots.

BALLIA

The following is the statement of Mr. Rizwanullah, M.L.A., of Gorakhpur, who went to Ballia soon after the Dadri incident :—

"I started for Ballia on behalf of the League on the evening of the 27th November and arrived in the Morning of the 28th. I met a large number of persons from the public as well as from the gentry of the town and saw the District and Police authorities. I further made inquiries from members of the relief committee formed in this connection and had conversation with its president, Khan Bahadur Nazir-uddin, Advocate. This work of relief, it will be known, has been organised under the District Muslim League, Ballia. As a resul of my inquiry I wish to give out the following important facts connected with these occurrences :—

"Every year the Katic Purnmashi, a big fair, is held some two miles from Ballia town at village Dadri. This fair is specially important for cattle dealings and a large number of good as well as infirm and useless cattle are sold. The infirm and useless cattle are mostly sold by Hindus and purchased by Muslim butchers. This year too, as usual, a large number of useless bullocks and cows were purchased by butchers. A considerable number of such cattle were already removed from the fair by the butchers but about 2,000 cattle purchased were still there and for which arrangements were being made to despatch. They were within the market enclosures and roughly about Rs. 2,000 [*sic.*] worth. The price of all these cattle was already paid to the sellers. Before they could be taken away, at a bout 10 a.m. on the 20th November, a large crowd of about a thousand well-armed Hindus attacked the butchers within the enclosure and beat them mercilessly, thus rendering the butchers unfit to protect their cattle. The assaulters took away all the cattle forcibly from the butchers' possession. A similar occurrence took place near the village Maldapur, about four miles from Ballia, at 2 p.m. and it is reported that a large number of butchers, of whom later on four were medically examined, were badly beaten and about more than a hundred cows snatched away. Another occurrence took place at Phaphna Railway Station (B.N.W. Railway)

where late in the night, at about 10 p.m., in which about 190 heads of cattle were seized from Railway wagons and taken away by the party. As a consequence three butchers received serious injuries.

"The total number of injured butchers in connection with these three occurrences come to more than forty of whom one succumbed to his injuries in the hospital. These butchers belong to Fyzabad, Jaunpur, Azamgarh and Basti districts. It is noteworthy in this connection that not a single Hindu is reported to have been attacked or injured.

"In order to come to a better understanding of these occurrences it is necessary to note that a few days before the commencement of the Dadri fair meetings were organised in the neighbouring villages to preach cow protection (Gau Raksha) in which, it is alleged, responsible Congress workers took an active part. It is said that in the course of the attack at Dadri Mela the assaulters were raising cries of Jai in which they were repeating "Chittu Panday's (President of the District Congress Committee) Jai." It is strange to know that responsible Congress workers and volunteers and Sewa Samiti Volunteers were present in large numbers in the fair and none either cared to try to stop the occurrence or to help and relieve the injured.

"On this occasion the Congress and Sewa Samiti people have displayed an utter disregard of nationalistic spirit expected of them.

"I hope that the present Government would not fail to look with suspicion at the activities of the Ballia District Congressmen and would try to find out the realities underlying these occurrences. The District and Police authorities in Ballia no doubt rendered appreciable services in obtaining full control over the situation within the least possible time. No doubt the spirit of retaliation that had sprang [*sic.*] in the Muslim masses at the sight of these ruthless attacks was pacified by the responsible Musalmans and by the timely preventive measures adopted by the authorities to stop any further upheavals and clashes. It is proper that the present Government should strengthen the hands of the local authorities so that they may be able to make a complete and correct inquiry into the matter and may be successful in adequately punishing the offenders."

Mr. Rizwanullah also waited in deputation on the Minister of Justice who visited the district soon after the incident and laid all these

facts before him.

This incident was the first of its kind in the province and the silence of the Congress Ministry as well as the Provincial Congress organisation was very surprising for a truly national organisation should have made a prompt inquiry into the behaviour of its members and taken disciplinary action against them if the allegations were found correct.

ALLAHABAD

To present the Allahabad riots in a true perspective, it is necessary to deal with the events that immediately preceeded them and which had an important bearing on them. It is an open secret that soon after the Congress came into power efforts were made to restart the celebration of Dassehra and other festivals at all places where the Hindus had given them up as a protest against the restrictions placed on such procession by the district authorities in order to assure peaceful celebrations. In the U.P. the services of the Muslim Parliamentary Secretaries were utilized to cajole the Muslims to agree to the lifting of these restrictions at several places. Allahabad was one of the cities where the Hindus had given up the celebration of Dassehra as a protest against the restrictions imposed by the district authorities.

Further, this year the Moharram, a month of intense mourning among the Muslims, coincided with the Holi, which is a festival of rejoicing among the Hindus. It is thus clear that the celebration of these two religious festivals of different nature by the two communities, whose relations had already been strained due to the political atmosphere in the country, was fraught with grave dangers and required careful watch.

The Moharram started on March 4, 1938, and the Muslims of Allahabad requested the authorities that no marriage procession should be allowed on the streets which were used by the Moharram processions. This demand was based on an old convention in the City. The District Magistrate, however, refused to accede to this request. On March 6, while a marriage procession was passing in front of the Hospital some brick-bats were thrown on it by some unknown persons. Though the Muslims were prosecuted for this offence yet they were all acquitted. On March 7, the District Magistrate promulgated orders under section 144 Cr. P. C., which prohibited the carrying of more than 25 *lathis* with each of the Moharram processions. The public was further warned that the police and military had been authorised to fire on rioters.

As a protest against the severity of these orders the Muslims of Allahabad gave up the celebration of Moharram and the Muslim shop-keepers observed a *hartal* as a protest. It may be added here that the carrying of *lathis* has formed part of the Moharram processions at Allahabad since time immemorial. At this stage Mr. Zahoor Ahmad, M. L. A., intervened and after some other influential Muslims had given an undertaking assuring the authorities of peaceful Moharram celebrations, the order under section 144 Cr. P. C., was withdrawn.

On March 12 (9th Moharram), while a Moharram procession was passing through Katra, the Hindus of the locality started a quarrel over a *tazia* and snatched it away from the Muslims. Some Hindus were arrested on the spot and the Muslims remained entirely peaceful in spite of this grave insult to their religious susceptibilities. Next day as the *tazias* were being carried to the Karbala, a large number of Hindus collected at the spot where the arrests had been made last night. They demanded the release of the Hindus arrested the previous night. The situation was tactfully handled by the Muslim leaders and the authorities and a breach of peace was averted.

The Moharram celebrations thus passed off peacefully and the District Magistrate, in a letter to Mr. Zahoor Ahmad, M. L. A., acknowledged the assistance given by the latter in re-starting the Moharram celebrations and settling many disputes during the celebrations that threatened a breach of peace. The District Magistrate, further, appreciated the good behaviour of the Muslims at Katra on the night of the 9th Moharram when a *tazia* was snatched away and the restraint shown by them in spite of the grave provocation. The Magistrate further added that the promise made by the Muslims was faithfully carried out by them.

It is apparent from the above-mentioned facts that (1) the Muslims remained peaceful throughout and did not resort to violence even under grave provocation; (2) the influential and educated section of the Muslim community exerted itself in the cause of peace and succeeded in its efforts; (3) the attitude of the Hindus was militant and provocative; and (4) the Muslims, in spite of the fact that they were better organised during the Moharram never sought a quarrel.

THE HOLI RIOTS

The Holi celebrations started on March 15. In Allahabad, as

in other places in the province, no coloured water is thrown on Muslims as they resent it on religious grounds. However, on March 15, coloured water was thrown on one Mohammad Ismail of Shahgunj as he was passing through the Mohalla Bhartibhawan. Many other such complaints were made to the police by the Muslims of the city, who impressed on the Kotwal the necessity of imposing restrictions (similar to those imposed on the Muslims during the Moharram) under section 144, Cr. P. C., on the Hindus. The authorities paid no heed to these requests.

On March 17, a Holi procession was taken out in Allahabad and a unusually large number of Hindus (the official estimate was 800 to 1,000 persons) took part. Most of these persons were armed with *lathis*, another unusual thing for Holi processionists. Moreover the Muslims alleged, that high caste Hindus treated the depressed classes with free drinks at the toddy shops and then took them in the procession. As it was entering Bahadurgunj the procession was intercepted by the police who asked it to change its route. The processionists thereupon took another route but started assaulting the Muslims. A young man, Shakir, was killed while a Muslim student was severely beaten. An old Muslim woman was severely beaten, too. In short, there was serious rioting.

Orders under section 144, Cr. P. C., were promulgated only in the evening. These orders did not empower the police or the military to fire, as was done during the Moharram, on the rioters. The very presence of such a large number of armed persons in the procession should have been enough to warn the authorities that the Hindus meant mischief. But no precautionary measures were taken by the authorities.

General rioting broke out on March 18 and there were numerous cases of assaults and arson all over the city. The Hindus made organised raids on Muslim quarters and a glaring example of this was the collection of a large number of Hindus in the mohalla Hatiya. But before they could do mischief police help arrived and the situation was saved.

In these riots four Muslims were killed and 43 injured were admitted to hospitals while the casualties among the Hindus were seven killed and 37 injured.

As for the behaviour of the members of the two communities towards each other during the riots, it is not possible to make a

general statement. We can, however, speak of a few cases which came to our knowledge during the course of our inquiry. The Zero Road is mostly inhabited by Hindus and many highly educated and respectable persons of this community live on this road. The office of the Allahabad City Congress Committee is also located here. The houses of Mr. R. S. Pathak, Secretary of the Congress Committee, Mr. Kedar Nath, a leading Mukhtar, and Mr Rameshwar Prasad, an Honorary Magistrate, are also situated on this road. It was in this quarter that one Muslim, Mohsin, who was going to see his injured brother in the hospital, was attacked by Hindus and killed at about 10 a. m. on March 19. The crime was committed near the house of the Congress Secretary and the house of Mr Rameshwar Prasad too was not more than 20 paces from the place of the accident.

On the other hand, in the Attala mohalla, which is a predominantly Muslim quarter (the inhabitants being Muslim butchers and Ansaris), not a single Hindu was molested. In fact, some of the Hindu inhabitants of the mohalla, who thought themselves unsafe, were given shelter by the Muslims in their own houses. A poster issued by the Hindus of this locality fully bears out the brotherly treatment meted out to them by the Muslims. Similarly nothing happened to the Hindus of the mohallas Thanpur and Akbarpur where the Muslims were in majority.

Another regrettable incident, which has been repeated twice within a period of about six months, was the pollution of a mosque by throwing a pig's head into it. It is incidents like this that embitters the relations between the two communities and lead to rioting.

We also learnt with regret that the Hindus of Allahabad resorted to an economic boycott of the Muslims. If this boycott is persisted in it is bound to further strain the relations between the two communities.

BENARES

The Committee visited Benares twice and spent four days in collecting evidence. The relations between the Hindus and the Muslims in Benares had been strained since March, 1938. At the time of Bakr-Id handwritten posters were stuck on walls and electric poles in which Muslims were asked not to indulge in cow sacrifice, and in case they disregarded these directions, they were threatened that

their lives would be in danger and their property and houses would be looted and burnt. One such poster was sent by the Secretary of the Muslim League to the District authorities. The District Magistrate held a public meeting in which both the communities were asked to maintain peace, and a peace committee, consisting of influential members of both the communities, was appointed to carry on propaganda for the maintenance of law and order. Peace was thus maintained during the celebration of Bakr-Id but the heart-burning which had been generated continued as before. On the night of the 9th of Moharram a *tazia* procession was taken out with great pomp. When this procession, after starting from mohalla Shewala, reached Khari Kuan the leaders of the processions were injured by thorns and pieces of broken glasses which had been scatterted on the road. The volunteers of the Muslim League swept the land with their clothes and only then the procession could proceed after long delay. The district authorities who accompanied the procession witnessed the incident themselves. This act of cruelty was naturally attributed to some Hindus and this further embittered the relations between the two communities. The third incident in the same direction occurred when the Hindus objected to the Muslims putting their *tazia*, called the *tazia* of Baqar Husain, in the river from the Ghat. The practice was that this *tazia* instead of being buried, as is usual, was thrown into the river from the Ghat. This year the Hindus objected to it and the trouble was averted only through the efforts of the authorities. These incidents and others revealed that the relations between the communities were anything but friendly and the feelings could be inflamed even by some slight incident.

The Holi celebrations began from March 15. In Benares the Hindus generally, since the acceptance of office by the Congress, asserted that Swaraj, in other words Ram Raj, had been established. The men in the street thought that the Muslims were their subjects, and could treat them in whatever manner they liked. Consequently the Hindus of the *goonda* type began to bully, even molest, the Muslim wayfarers. Upto the evening of March 15, the situation had not grown worse, but on this evening a Muslim named Mukhtar Ahmad, son of Muhammad Yusuf, a resident of mohalla Bhika Shah Phalwan, went to the house of Mahabir Rastogi, in mohalla Thakuran, to realise his wages. Near the house of Rastogi he found

an injured Muslim lying on the road. He tried to find out what the matter was. In the meantime several Hindus arrived and began to belabour him with *lathis.* He was injured, though his injuries were simple. A report of the incident was duly lodged in the police station by Mukhtar Ahmad on the morning of March 16. The injured man found by Mukhtar was resident of mohalla Madanpura and was a weaver by caste, but as Mukhtar forgot his name he could not be traced. It is to be particularly noted that at the time when this incident took place no general riot had broken out and hence the Hindu mob, which had begun attacking the Muslim wayfarers, shows their feelings towards the Muslim community.

On the morning of March 16 there was a fight between two Hindu parties in which one Raja Ram was stabbed fatally. Rumour went round that there was a communal riot. Although this rumour was strongly contradicted, it upset the balance of mind of the excited mob all the same and the feelings of hatred, which had already been existing, became uncontrollable. On the same morning a Holi procession was organised which was accompanied by Hindus armed with *lathis.* It also contained horses and donkeys and people with their faces and clothes coloured and blackened rode on them. The processionists were indulging in throwing not only coloured water on the passerby but also mud and filthy water of the Municipal drains was being thrown indiscriminately. This procession, shrieking, shouting, and indulging in all sorts of offensive manners proceeded slowly. The history of the procession is that it started some years ago, but it was never made to pass through any mohalla inhabited by Muslims. Again it is a long established custom in Benares that coloured water is never thrown on Muslims, if it is thrown, ever by chance, on any Muslim he very strongly resents it. This year this particular procession did not discriminate between a Muslim and a Hindu in throwing coloured water. The procession reached the Mohalla Qazipura Kalan, and stopped in front of the house of a Teli, who entertained the processionists. Here also coloured water was thrown on Muslims and the face of a Muslim boy was blackened forcibly. This was naturally resented by the boy. An altercation followed which attracted some other Muslims who joined in the protest. At this place the Hindu processionists attacked the Musalmans with *lathis.* After this the riot spread throughout the city like wild fire. In the beginning only the Muslims were injured

but later on the Hindus also received injuries. But no open fight between the parties took place. Scattered attacks were made and in many cases persons were stabbed in lonely streets. Altogether 82 injured Muslims were admitted to the hospital and four were killed and 73 Hindus were admitted into the hospital and 7 were killed. The reason for this high role [*sic.*] of casualties is that in Benares knives were freely used. Sporadic cases of assault continued for several days, but as the police were careful and military were called out at an early stage the situation came under control soon. On March 16 a student of the Hindu University was injured at about 12 noon while two other who had gone out were supposed by the students to have been killed. Several hundred students of the Benares University, armed with *lathis* and sticks and shouting slogans like "blood for blood" came out of the University and began to roam about in search of Muslims. The Superintendent of Police and the District Magistrate promptly reached the spot and with the greatest possible difficulty controlled the situation. The students were taken back by the authorities to the boarding house where the Superintendent of Police was informed that some students had confined a Muslim in a room with the object of killing him.

The Superintendent of Police persuaded the students to release the Muslim, but they denied that anyone had been confined. After a long discussion the Superintendent threatened to search the boarding house unless the Muslim was released. On this one Ghulam Rasool, a tonga driver, was released from one of the rooms. This man, who had lost all hope of release and was expecting to be butchered any minute, was extremely terrified at the time of release.

During the riots the Hindu members of the Congress adopted a partisan attitude towards their co-religionists which annoyed even those Muslims who had joined the Congress. These Muslims are now convinced that the Congress is a part and parcel of the Mahasabha and have, therefore, left it and have joined the Muslim League. They now believe that it is impossible for any Congress Muslim to be of any service to his community.

Before the riot in Benares broke out the relations between the Hindus and Muslims had become very strained and the atmosphere had been prepared to make a riot possible on the slightest provocation. The responsible sections of both communities tried their best to improve the relations but the mob could not be controlled and

created mischief.

SITAPUR

Mr. Ehsanur Rahman Kidwai, Secretary of the U. P. Muslim League, Mr. Mobashir Hosain Kidwai, Secretary of the U. P. Muslim League Party, and Mr. Ali Bahadur Habib-ullah, member of the Central Muslim League Organising Committee, visited the Pipra village immediately after receiving news of a riot there. They issued a statement which showed the attitude of the Hindu community in Sitapur district.

As the matter is *sub judice* we refrain from entering into its details.

PILIBHIT

Mr. Karimur Raza Khan, M. L. A., who was co-opted a member of the Committee, conducted an inquiry into the riot at Raipur in Pilibhit district and the following is his report :

The causes that led to the riot at Paipur in Pilibhit district were not communal but the trouble took a communal turn later on. Parties to the riot were Hindus and Muslims. Raipur is a small village in police station Barkhaira, Bisalpur tehsil. The population of the village consists of weavers, Manihars and barbers who do no cultivation. Most of the members of the League were residents of Paotha and Khamarya. Very few from other villages had joined the Muslim League. Up till April, 1938, only seven persons were enrolled as members of the League.

Bazaar is held twice a week in Paotha. The profit of the bazaar goes to the Paotha zemindars, who are Muslims. In July, 1937, the month in which the Congress assumed office in the U.P., a bazaar was started by the Hindu zemindars of Raipur in their own village to defeat the Paotha bazaar. In spite of persuasion, intimidation and coercion from the Hindu zemindars and Hindu inhabitants of that locality, the Muslims of Raipur continued attending the Paotha bazaar. This led to strained relations between the Muslims and Hindus as the Hindus wanted to see their own bazaar flourishing and could not tolerate this attitude of the Muslims. They had expected that the Muslims would always act according to the wishes of the Hindus of Raipur.

On March 15, 1938, there was some altercation between one Mahabat Shah and his son on the one hand and Abdur Rahim and

other Muslims of Raipur on the other, but actual clash was averted. Apprehending trouble in the near future and finding themselves helpless, the Muslims of Raipur decided to shift to Khamarya village for good. They approached Khan Bahadur Imtiaz Ahmad, M. L. A., and other zemindars who lent them some bullock carts and men from Khamarya to help them in removing their household belongings. They started removing their luggage in the morning and when some of the luggage had been removed from Raipur, the Hindus of that village tried to stop them forcibly. About thirty Muslims were attacked by the Hindus who were about ten times more in numbers. Meanwhile Hindus from neighbouring villages had also arrived in a large number. The leader of this party had a naked sword in his hand.

The most unfortunate feature of the riot was that the local Congressman helped in procuring and arranging prosecution evidence when the case came up in Court.

Local Congressmen were present during the investigations. That the Muslims had a right to leave Raipur cannot be disputed. The Hindus had no justification in obstructing them. Why they took to this course? [*sic.*] Obviously, they thought that they were safe and could stop the Muslims by force with the help of the so-called Congressmen of that locality.

OTHER RIOTS

Mr. Aziz Ahmad Khan, M.L.A., who was co-opted a member of the Inquiry Committee, reported as follows after an inquiry.

Bijnor :

The village Musapur in tehsil Nehthaur of Bijnor district is inhabited by a large majority of Hindus and the Muslims form only a small minority. The Muslim population is concentrated in one locality. The Muslim inhabitants have built a mosque for which they are involved in litigation with the Hindu landlord. It is alleged that the agent of the zemindar made it a communal question, though the question really relates only to the relationship between the zemindar and the tenant. On March 15, 1938, a Holi procession was arranged and proceeded through the streets inhabited by Muslims. It was the first occasion when the Congress flag was carried along with the Holi procession. A few Muslims objected to the procession being led through those streets and it appears that this caused some trouble. It is alleged that in the after-

noon a crowd of Hindus gathered. The Muslims shut themselves in their houses where, it is said, they were attacked. Marks and stains of blood inside the houses were found by Mr. Aziz Ahmad Khan when he went to make the inquiry. The number of Muslims admitted into hospital was sixteen males and three females.

Cawnpore :

The incident that occurred in connection with the visit of the Hon'ble Hafiz Muhammad Ibrahim, Minister of Communications, has already appeared in the papers. An official inquiry has also been made. We think that this incident is an instance of the over-enthusiasm of the Muslim supporters of the Congress in demonstrating the popularity of the Ministers.

Banda :

During Holi at Banda, coloured water was thrown on the Muslims, a mosque was desecrated and a house was set on fire.

Gorakhpur :

In the village Gujaikol, Gorakhpur district, a whole Muslim family was butchered and burnt in December, 1937.

Etah :

On a very insignificant matter a riot took place at Repura village, Aligunj tehsil, Etah district. Hindus assaulted the Muslims with *lathis* and one Muslim, named Tahir, was killed and many were injured.

Bulandshahr :

Serious complaints were made before the Inquiry Committee about the vindictive tactics adopted by Congressmen against Muslims of Bulandshahr district. It was alleged that after the bye-election in this district the supporters of the League were placed under an effective social ban and had to undergo other hardships. Complaints were received that the supporters of the League had been forcibly prevented from drawing water from public wells.

Basti :

There is a *pucca* mosque in the village Mianpur, tehsil Domariagunj in Basti district. On the Holi day a crowd of Hindus entered the mosque and took away the wood which was collected there, loading it on bullock-carts. Then set fire to this wood. Next day the *khalyan*

(barn) of wheat of a Muslim was also burnt.

MADRAS PRESIDENCY

Muslims form only seven per cent. of the total population of the Madras Presidency. They are mostly concentrated in Malabar where their strength is as high as one-third of the population. The Moplahs are educationally very backward and the previous Government had adopted special measures for their education. These, as will appear in the following pages, have been either totally given up or partially suspended by the Congress Government. We give below the details of injustices done to the Muslims of this Province by the Congress Government.

LOCAL BODIES

According to the Local Boards and Municipalities Act, 25 per cent. seats are reserved for minorities including Muslims, depressed classes, Anglo-Indians, Christians and women, but of this only two or three seats are reserved for Muslims, whereas, according to the population basis, they deserve more. The cases of Malabar, Kurnool, South Kanara, Bellary and Cuddapah illustrate how the Muslim community is under-represented. Whereas the Muslim population of Malabar is 32.9 per cent. their representation in the district is only 17 per cent. The following table gives the percentage of population and representation of Muslims in other districts :

District	*Population*	*Representation*
Kurnool	13.2	7.7
South Kanara	12.8	6.8
Bellary	10.6	6.2
Cuddapah	13.1	8.8

Even in the Corporation of Madras, although the Muslim population is 11 per cent. Muslims got only three out of a total of 45 seats in the last election, whereas there were seven Muslims out of 30 elected members in the previous Council. In order to remove this inequality and to secure adequate representation for Muslims in Municipalities and District Boards a Bill was introduced in the Legislature by Muslims to have separate electorate on population basis with a minimum of 15 per cent. The Congress Government refused to give permission to introduce this Bill.

Recently, the Government has increased the number of members in various District Boards. They have not given a single seat more to the Muslims in these boards. On the other hand, they have so redistributed the existing Muslim seats in these District Boards as to render them ineffective from the point of view of Muslim representation.

The Ministry of Local Administration has been doing its utmost to reduce the Muslim majority into a minority in some of the Panchayats so that they may elect Hindus as their chairmen.

According to the Administration Report of the Local Boards in Malabar for the year 1935-36 the number of Muslim members in the Malabar District Board was 13, while the number of members, when the Congress is in power in the said Board is only ten.

SERVICES

The last Government had a scheme of rotation according to which out of twelve appointments two were given to Muslims. The present Government (Congress) wanted to abolish communal representation in the services. But it could not succeed in doing so against the strong public opinion amongst Non-Brahmans and Muslims. In spite of the fact that [the] policy of communal representation in the services is retained, the Muslims are not getting their due share in departments such as Medical and Engineering. Various methods have been adopted by the Congress Government to circumvent this communal Government Order. The Madras Public Service Commission, which is expected to keep the balance among the various communities in the matter of recruitment according to this communal Government Order, can do so only if the Government notifies vacancies. The Government in the various departments, by filling in vacancies for long periods on a temporary basis and by the appointment of Brahmans, prevents Muslims from getting their legitimate share in the appointments. In the Secretariat about 30 Brahman clerks were appointed on a temporary basis for a long period and were later made permanent by the present Government on the plea that these men had acquired a claim by working for a long period. The other method that is employed for preventing Muslims from getting appointment is by reducing the maximum age for various posts and by raising the standard of qualifications.

EDUCATION

One of the most important recommendations of the Committee

appointed by the previous Government was the introduction of religious instruction for Muslims in schools and colleges. That Government accepted this recommendation along with others but in the name of economy a good number of Muslim schools are now being closed down. There are many Muslim secondary schools under private Management which can only exist on equipment grant from the Government. Such grants have been denied to these schools, although the same Government has given a grant of several lakhs to the Pachorppas College, a purely Hindu institution, whose doors are completely closed to Muslim students. Even with regard to the Muslim orphanage similar treatment is meted out.

Admission of Muslim students in arts and professional colleges in the province used to be very difficult till the last Government appointed selection committees, including a Muslim representative on them. The selection committees were able to secure admission of Muslim students into these colleges. The Congress Government has abolished these selection committees with the result that admission of Muslim students is considerably restricted.

The Malabar District Board by a resolution., which it recently passed, resolved upon a ten year plan for amalgamation of all special schools with general schools, with the result that after ten years no Moplah school will be in existence.

Then the Standing Committee of the District Board of Malabar at its meeting, held on August 5, 1938, decided to abolish 73 schools on the ground that they were uneconomic. Of these, as many as 58 are Moplah schools. If sufficient opportunity had been given to these schools to justify their existence perhaps none of them would have been abolished. The proposal of the committee has been approved by the District Board.

Under an order from the Government the Malabar District Board abolished the posts of Conductors and Conductresses in Moplah schools. These persons were part-time teachers of Qoran in the schools and also effective propagandists for attracting pupils to the schools. Their abolition has worked as [a] great a [*sic.*] set-back to the increase of Moplah pupils, specially Moplah girls.

There are Arabic Pandits in some of the High Schools under the Malabar District Board. Some months back the Board issued an order to the effect that ten posts of these Pandits would be abolished in all schools which have less than 20 students in the secondary stage, knowing

full well that the Moplahs are extremely backward in the matter of secondary education and that the minimum insisted on by the Board would never be secured in most of the schools.

COMMUNAL RIOTS

Comparatively speaking there have been fewer [*sic.*] riots in Madras Presidency than in other Congress-governed provinces. Besides the Choolai riot (on which we reproduce the statement of Mr. S.A.W. Bukhari below) there have been communal outbreaks at two or three other places and it was represented to us that the sufferers in these riots were mostly Muslims.

The following are the relevant extracts from the statement of Syed Abdul Wahab Bukhari, M.L.A., on the communal riot at Choolai, Madras :

The first communal riot in Choolai (Madras) started on April 27, 1937, on Strahan's Road near the Saraswathi Talkies. The trouble started on a trifling matter. The Hindus were carrying a procession of their local deity when at about 11.30 p.m. a Muslim boy, who happened to be in the crowd, was roughly handled by the mob. Some others came to his rescue and the processionists, being in large numbers, overwhelmed the few Muslims, making free use of stones and brickbats. A Muslim hotel was looted and its bottles were used as missiles. The police got the situation in hand at about 2 a.m. This was the beginning of the trouble. Then riots occurred on August 16, 1937, and on October 2, 1937. During these months an actual state of guerilla war existed, resulting in loss of life and cessation of normal business for a long time.

In all about 250 Muslims were injured and as compared to this the number of Hindu wounded was very small.

ORISSA

Almost all Muslim inhabitants of Orissa are the descendants of the original invaders and consequently retain their own language and culture. They speak and write Urdu. During the unsettled conditions and misrule that existed before the annexation of the province by the British, the Muslim aristocracy stood by the Oriya people. Orissa came under the British rule in 1803 and formed part of Bengal. Then it wus amalgamated with Bihar. The condition of the Muslims remained more or less unchanged, though after its transfer to Bihar the Muslims could not remain in touch with the headquarters of the

Provincial Government. Still their condition was much better than it is now after its separation.

RELATIONS BETWEEN COMMUNITIES

The communal relations were amicable in the Province for several years. The Muslim population is mostly concentrated in towns and only a few families are scattered in rural areas. Though there have been no communal riots recently yet there have been complaints that certain persons who called themselves Congress workers started propaganda at Nischint-ka-Hat (20 miles from Cuttack) against the sale of cows to the Muslims. It is stated that these workers and their sympathisers molested the Muslim butchers who had gone there to purchase cows from Agrahat and even tried to take possession of their animals by force. No report was made in [*sic.*] the police.

EDUCATION

The Muslims are economically poor and educationally backward. They have not many schools of their own. In primary schools children are allowed to choose either of the two languages, Oriya and Urdu. But in aided schools only Oriya is recognised as the medium of instruction and no provision is made for Muslim students who want to learn the Urdu language. Even in several Government schools attempts have been made and are being made to force the Muslim students to take up the Oriya language and numerous complaints have been made to us of indirect pressure being brought upon the Muslims to fall in. The arrangements for the teaching of Urdu are almost negligible. Out of a total number of 181 schools in the province, there is only one institution in which the medium of instruction is Urdu. This places the Muslim students at a disadvantage in competitions with other students in as much as the Muslims have to learn one more language in addition to Urdu and English.

85

JAMIAT-UL-ULEMA-I-HIND RESOLUTIONS : NEW DELHI : 3-6 MARCH 1939

The Jamiat expressed grave concern at the increasing number of communal riots, and appealed to all concerned to adopt all possible measures to put an end to them.

It further demanded that in view of the fact that Moslems were dissatisfied with the treatment meted out to them in certain provinces, the Congress should appoint a non-official Committee, including representatives of the Jamiat, to make an inquiry into their grievances and redress them, if necessary.

The Jamiat regretted the non-inclusion of any Muslim in the Industrial Planning Committee appointed by the Congress President and feared that this might result in injury to Moslem interests.

The Jamiat condemned the firing on Moslems in Jaipur and urged the unconditional release of those arrested.

Finally, a protest was made against the increasing use of Sanskrit words in the Hindustani language. The Jamiat pointed out that this tendency, if not discouraged, would lead to further suspicions among the Moslems against the Congress.

Source : *The Indian Annual Register 1939*, Calcutta, 1939, Vol. I, p. 382.

86

A. K. FAZLUL HUQ'S "MUSLIM SUFFERINGS UNDER CONGRESS RULE" : CALCUTTA : DECEMBER 1939

For more than two years, I have had in my possession documents containing the most convincing details of the oppressions committed on Muslims in the various Provinces hitherto under Congress administration in India. Whenever I happened to allude to these sufferings and other disabilities of Muslims, I was ridiculed and abused in a section of the public press, and instances have not been wanting of responsible leaders of Congress opinion actually charging me with having invented stories deliberately for the purpose of discrediting the Congress and the Congress administration.

Responsible leaders of the Congress and the Congress press still continue to laugh to scorn all these allegations of Muslim sufferings under Congress rule. I have hitherto refrained from publishing these accounts in the Press as I felt that such publication would tend to embitter the already unhappy relations between the two major communities of India. But, the more I refrain from placing my cards on the table, the more insistent and persistent become the allegations that our charges are false and I cannot therefore withhold these facts any longer from the public. It is with the deepest regret that I have to do so, but the public will surely appreciate that I have no other alternative.

Never before in India's history have riots taken a heavier toll of life and property within such a short space of time than during the two and a half years of Congress administration in some of the

Source : *Muslim Sufferings under Congress Rule : Being the Reprint of a Statement issued to the Press by the Hon'ble Mr. A. K. Fuzlul Huq, Premier of Bengal,* published by the Bengal Provincial Muslim League, Calcutta, December 1939.

provinces of India. In almost all of these riots and outbreaks Muslims have admittedly been the principal sufferers. Was this merely a chance coincidence? The facts exist although the Hindu purveyors of news, who have a practical monopoly in that sphere, spared no efforts to suppress news of them or served up to the public false or distorted versions.

I shall presently narrate some cases of oppression on Muslim minorities in the Provinces of Bihar, the United Provinces and Central Provinces and Berar. Those instances, however, will by no means be exhaustive but rather typical and illustrative and I shall ask every fair-minded person to go through them and judge for himself if Muslim allegations of tyranny and oppression during the Congress regimes are indeed chimerical.

I wish to add that I have narrated incidents very briefly to curtail the length of this statement and I have avoided reference (except in the case of C. P. and Berar) to the many and varied political oppressions and injustice to which Muslim minorities have been subjected. I have mainly set forth the story of boycott, loot, arson, assault, murder and mass terrorisation of which our helpless co-religionists, condemned to live in predominantly Hindu areas under Congress Governments, were the pitiable victims.

Before I come to my narration of actual occurrences I would like, however, to state certain facts against the background of which those occurrences must be studied in order that their full significance may be properly understood.

As soon as Congress Ministries came into office they did some very unusual things. They issued instructions, written or verbal, asking local authorities to take into their counsels in all important matters the local Congress executives. They issued orders for the hoisting of the Congress flag in public buildings, schools and other places. Many of the Ministers undertook tours to hoist flags in mofussil towns with great pomp and show. They ordered or permitted the singing of the Congress song on all conceivable and inconceivable occasions, disregarding the protests of Muslims and even ridiculing Muslims for so protesting. They introduced and encouraged Hindi and in Madras they made it a compulsory subject for all students to learn, thus showing their bias for sanskritic culture. They spoke of the Muslim League as if it was an organisation inimical to the country and they lost no opportunity to hold up to scorn the leaders of the Muslim League. They went further and whenever there was any

communal trouble they blamed the Muslim League for it but they were ever careful not to condemn the conduct of the Hindus, Congressmen and Mahasabhaites, of whose communal activities they themselves had proofs.

The effect of such a policy on the Hindu masses was disastrous and to the officials it gave a very dangerous lead. The former felt that their "Raj" had come at last and their will must now prevail. The latter knew that only by falling into line with their new masters in the Ministry and by pandering to the whims of their local agents in the shape of office-bearers of Congress Committees could they smooth their path to preferment or avoid the displeasure of the powers-that-be.

Thus was the stage set for the blatant arrogance of the militant Hindu to burst the bounds of restraint which non-partisan Governments had hitherto imposed. In towns and cities, in villages, tehsils and talukas the Congressmen and the Mahasabhaites sensed in the very air the spirit of the "Bande Mataram" as its author conceived and wrote it. They felt their stature rise and looked down upon the helpless Muslim minorities as the Cyclops did upon puny humans in Homer's day. And like the Cyclops, they saw but with one eye: the other eye that could have given them the vision of justice and equity and convinced them that though fewer in numbers their Muslim neighbours had also rights under the Indian sun, ceased to function. In such an atmosphere they set about to impose their will on the Muslim minorities.

And what was their will? It is briefly stated :—

"Mother Cow" must be protected. Hence the orgies of Madanpore and Dadri and of numerous other places.

Muslims must not be allowed to eat beef. Hence the brutal inhumanities of Tilokari and the innumerable other outrages and persecutions the truth of which none dare deny.

The religion of Muslims must be humbled because was not this the land of the Hindus? Hence the forbidding of "Azan", attacks on worshippers in mosques, the insistence on the triumphant passage of noisy processions before mosques at prayer time and the introduction of many an innovation so that more opportunities might arise of asserting the superiority of the "Sanatan Dharam". Hence also the forcible prevention of cow-sacrifice on the occasion of Bakrids and the wanton desecration of Muslim graveyards, mosques and other places of worship.

Was it strange, then, that tragedy followed tragedy and blood flowed instead of the milk of human kindness? Was it strange that

Terror stalked the countryside and rendered the helpless outnumbered few despairing and desperate? Here and there the worm did turn and not all the conflicts were one-sided. But so indeed could the German historian accuse the Poles for turning upon the aggressive and death-dealing Nazi hordes !

I shall now proceed to narrate some of the facts in my possession, which to the best of my knowledge are correct. But let me emphasise that this is not our whole case against the Congress. I have purposely made no mention of the tyranny of the Hindi campaign, the imposition of the Vidyamandir scheme, the policy that reduced Muslims to still more negligible minorities in the local self-governing institutions, the virtual strangulation of Urdu schools, the imposition of Hindu culture on Muslims through objectionable text-books introduced even in purely Muslim schools (the new Government of Bombay have just partly undone the mischief in that city) and to numerous other matters that also form part of the Muslim charge sheet against Congress administrations. These will be dealt with when the full case is presented before a competent tribunal.

In perusing the instances which I shall now cite I would ask the reader to note that the Congress Ministries seem to have perfected a new technique in administering law and order when Muslims happened to be the victims of oppression. That technique consisted among other things, in :—

(1) permitting their local officers, specially the police, to effect a "compromise" after the Muslims of a locality had been oppressed, the terms of the compromise usually being that the Muslims either "voluntarily" undertook not to eat beef or perform cow-sacrifice, or apologised to their tormentors for some unknown offence and (2) allowing the police to delay arrests and searches so that in most cases although outrages against Muslims could not be denied, sufficient evidence could not generally be found to prosecute the culprits or to secure conviction if they or some of them were prosecuted.

And now for my facts.

BIHAR

Aurangabad (District Gaya)

On July 25, 1937, Muslims were suddenly attacked and looted in the Madanpur Cattle Fair. The Hindu mob was armed with dangerous weapons. Loss of property sustained by Muslims was very considerable

and many of them were injured, including a woman. On the previous day a Hindu Pundit had incited the Hindus in a public meeting. The local police took no precautionary steps in spite of the incitement and consequent danger of rioting. No action was taken against the Pundit by the Bihar Government. The Bihar Premier in a statement on August 31, 1937, added insult to injury by trying to put the blame on the Muslims for the riot. On September 19, 1937, the Bihar Premier denied any injury to any woman. A Congressman of Aurangabad contradicted the Premier and gave the name of the woman whose shop had been looted and who was herself grievously injured necessitating her treatment in the Aurangabad Hospital for about a month.

Nagarnoska (District Patna)

Hindu Gowalas of this place, about September, 1937 encroached upon a Muslim graveyard and built a house thereon. Several Muslims were assaulted by the Hindus because they wanted to protect the graveyard. The Hindus entered the village and committed further assaults on Muslims. Some of the Hindus were convicted by the Sub-Divisional Officer of Bihar for the encroachment but were acquitted on appeal by Mr. S. P. Chatterji, Judge. The Hindus of the village celebrated the acquittal by a procession. Muslims were abused by the processionists and a witness for the prosecution was assaulted. Further insults to the graveyard followed and Muslims were sought to be terrorised. The attention of the Bihar Ministry was drawn to this but they gave no protection to the local Muslims.

Rajpura (District Gaya)

On November 9, 1937, the Hindus of this village stormed the local Imambara and attacked Muslims assembled for their night prayers as soon as "azan" was called. They were armed with deadly weapons. Many Muslims were injured. Then the Hindus attacked Muslim houses. One of the houses was completely burnt down. No action seems to have been taken against the mischief-makers.

Karanpura (District Saran)

On October 20, 1937 (Shabebarat day) two Hindu sepoys of the Manjha Estate entered the house of a Muslim who had complained against the Hindus and finding no male members, entered the "zenana". Two women were bathing at the time. When they protested they were

dragged out and beaten. Their cries attracted some neighbours who, when they protested, were taken before the Hindu zemindar. They were beaten, fined Rs. 10 each and detained till 5 p.m. No action was taken against persons guilty of these outrages.

Khairatia (District Saran)

On November 30, 1937, many Muslims including an old woman were brutally attacked and injured by Hindus. Three Muslim houses were burnt, a mosque was defiled and damaged and bore on its walls marks of spears and brickbats. Some Muslims were attacked inside the mosque where they had fled for shelter. Blood from their injuries could be seen on the floor of the mosque. One Muslim shop was looted. During the attack, Muslim women and children took shelter in sugarcane fields and passed the night in terror. Metal pots, clothes and grains, goats and bullocks and agricultural implements belonging to Muslims were either taken away or burnt. Injured Muslims were not sent to hospital till about 20 hours after the occurrence and their statements were not taken before the third day.

Lalpura (District Patna)

During the last week of November, 1937, a certain Hindu of Khurya Bazidpur came to this place with a band of Hindus and openly incited the local Hindus to attack the Muslims. Within 2 days there was a riot. Several Muslims were injured, one very seriously. The Hindus, amidst cries of "Jay Mahabir," began to cut the paddy in the field of a Muslim. The latter's protest was made the occasion for the Hindu attack on the Muslims. The timely arrival of the police saved the situation but no action was taken against the persons who had directly instigated the attacks.

Warning Ignored

On the eve of the Bakrid of 1938, Hindus in a large number of places in Bihar went about preaching cow protection and in some places incited the Hindus to save "mother cow" at any cost. Repeated warnings of these mischievous activities were given to the Bihar Government through the columns of the Muslim Press and by individual Muslims to their respective local authorities. At Nawadah, Gaya, for instance, it was pointed out that written "patias" of Pandits were being freely distributed asking Hindus to obstruct by force cow-selling and cow-sacrifice. Adequate precautionary measures were not, however, taken by the

authorities The result was that in many places the Hindu mobs took up such a violent attitude that, according to the Bihar Premier's own admission, the Muslims were compelled to forego their religious observance of cow-sacrifice.

Chakbayas (District Muzaffarpur)

In December, 1937, Hindus of this place suddenly objected to the Muslims eating beef or calling "azan". The Muslims were summoned to appear before the Hindus and were compelled under threats to sign a so-called compromise agreeing that they would not eat beef in their own homes and if any of them did he would pay a fine of Rs. 500 or leave the village within three days. The Sub-Divisional Inspector of Police investigated the complaint and reported that an "agreement" had been "amicably arrived at" under which Muslims had undertaken not to "deal in beef". Depending upon the Inspector's report the District Magistrate of Muzaffarpur published a Press "communique" in the third week of February, 1938, which was not a correct statement of facts. The Hindus of the locality continued to oppress the Muslims with regard to beef eating and calling of "azan". The matter was brought up before the Bihar Council and the Finance Minister admitted that "the complaint was true and pressure had been put upon the Muslims by the local Hindus not to call 'azan' loudly". He said that the Hindus of the place had been warned that "if there was any further interference on the part of the Hindus regarding Muslim worship," action wou'd be taken. Thus, for many months, Muslims were allowed to be harassed but local officers who misled Government by incorrect reports were not dealt with nor did the Government take any action against the Hindus for interfering so long with the Mus'im right of worship. This is a typical case and many such cases have happened elsewhere in Bihar during the Congress regime.

Majhiawan (Santhal Parganas)

On February, 1938, the Muslims of this village were attacked, assaulted by Hindus and forcibly prevented from using the village wells. This was because Muslims had performed cow-sacrifice privately according to custom. No protection was given to the Muslims and no action was taken against the Hindu culprits.

Rasulpore-Katesar (District Patna)

For performing cow-sacrifice according to custom the Muslims of

this place were boycotted by the Hindus and harassed in many ways. On February 12, 1938, hundreds of Hindus gathered to attack the Muslims but the police arrived in time. Next day crops in the fields of several Muslims were damaged by the Hindus. Muslims were waylaid and assaulted. The village wells were closed to them. On February 20, 1938, the Sub-Divisional Officer of Dinapur came to Bihta Dak Bungalow to effect a compromise. A large mob of armed Hindus crying various slogans collected nearby and attempted to create a disturbance. The Hindu police officers asked local Muslims to give up cow-sacrifice in order to "pacify" the Hindus although the Civil Court had decreed the right to the Muslims. The complaint of a Muslim woman against some Hindus was not entertained by the police. Another Muslim was abused and driven away when he went to complain against the Hindus. The harassment of the Muslims of this locality continued for a long time and several Muslims were victims of assault. A petition containing 5 different categorical allegations was ultimately submitted to the Bihar Premier by the local Muslims giving the names of Hindu ring-leaders. The result of the appeal was another typical "compromise" whereby Muslims "amicably gave up" their religious rights. This is another of the compromises forced upon the Muslims which will not stand the test of impartial investigation as to how they were brought about.

Majhaul (District Bhagalpur)

Muslims in this purely Muslim village were prevented from performing cow-sacrifice in order that the Hindus might not be "infuriated". This is a well-known case and from the "communiques" published by the Bihar Government themselves it will be apparent that the local authorities took no steps to check or punish the riotous Hindu mobs who came from other villages admittedly to use violence against the Muslims. On the contrary, they placated the Hindu mob and ordered the Muslims to forego their religious and civil right.

Kara (District Patna)

According to a report, published in the Muslim Press in March, 1938, a gang of about 300 Hindus armed with weapons and shouting "Bande Mataram" attempted to take forcible possession of land belonging to a Muslim. They are alleged to have murdered the Muslim zemindar's relation and inflicted severe injuries to his younger brothers. Nothing is known as to what action was taken against the

Hindu offenders.

Jhamapore (District Patna)

On April 8, 1939, at 11 p.m. about 200 armed Hindus attacked the house of a Muslim, broke open the doors and killed him. They attacked two servants of the household and then assaulted the "pardah" women whom they robbed of their ornaments. It is not known what action was taken against the culprits.

Khaddiha and Thakraha (District Champaran)

In the former place an old Muslim was severely beaten by the Hindus in February, 1938, but the culprits were allowed to go scotfree. In the latter place the Hindus defiled a mosque and the mosque well by killing a pig and throwing one part of it into the mosque and another part of it in the mosque well. This was reported to the police on March 30, 1938, but the culprits still remain unpunished.

Tilothu (District Shahabad)

A mosque was defiled on March 11, 1938. There were eye-witnesses of the crime but the culprits were not punished.

Tilokari (District Hazaribagh)

In this place barbarous oppressions were committed on a Muslim and members of his family for cooking beef for a wedding feast. The facts are well-known. Hindus besieged the Muslim's house in large numbers, bound him hand and foot, beat him mercilessly when he was in that helpless position, made a low caste Hindu urinate in his mouth, attacked the women of the household, destroyed the utensils in the kitchen and damaged other property. The Hindu police officer came late at night but made no investigation. Next morning he compelled the poor, helpless Muslim to agree to another of those typical "compromises" and the matter would have ended there had not the European Superintendent of Police taken up the investigation personally. The Bihar Ministry took no action against the offending officers. But for the intervention of the Superintendent of Police no one would have been sent up for trial. During the trial the Magistrate suggested a "compromise". The sentences passed on some of the accused were so inadequate that even the Sessions Judge to whom the accused appealed described them as "astoni-

shingly low". The inner working of the Congress Ministry's mind as revealed in connection with this case has been described in the Sheriff Report, Vol. I. The Congress Ministry did not move for an enhancement of sentence. The Inspector who forced the so-called compromise was not punished. Prominent Congress leaders openly assisted the guilty Hindus during the trial. The accused were lodged in the town Congress office which was in the house of a Congress Parliamentary Secretary.

Bhagalpore

The notorious Bhagalpore riots of July, 1938, were the direct outcome of the Bihar Ministry's interference with the discretion of the local District Magistrate as a result of which a certain Rath procession was allowed against previous custom. As a result of these riots Muslims were boycotted and suffered much harassment at the hands of the Hindus as well as the police. Maulana Shah Minnatullah, a pro-Congress M.L.A., Mr. Abdul Hamid Rasmi, Secretary of the Bhagalpore Congress Mass Contact Committee, Mr. Jamal Ahmed Khan, a Congress Municipal Commissioner, issued 3 separate statements to the Press scathingly denouncing a Congress Ministry and the local authorities who acted at the former's instance, for their conduct with regard to these riots. Serious allegations were made by these Congressmen themselves against the Congress Ministry and its officers.

Gharibainiganj (District Monghyr)

The only 4 Muslims of this village were harassed in many ways for eating beef. The village wells were closed to them. Complaint to the Police resulted in another forced "compromise". Subsequently Muslims were implicated in criminal cases and further oppressed.

Masmohana (District Hazaribagh)

Here a Muslim graveyard was desecrated, Muslims were boycotted and the police refused to take cognizance of cognizable offences. Following many oppressions another forced "compromise" was brought about here also.

Kanodh (District Gaya)

In November-December, 1938, Muslims of this village were oppressed for bringing beef into the village. Assault, wrongful confinement, threat to murder and realisation of ransom are among the oppres-

sions alleged. No action by the authorities has been reported.

Radhul (District Gaya)

Muslims of this village were boycotted and otherwise oppressed in April-May, 1938, for the crime of eating beef. The 17 Muslim householders out of 150 in the village were completely terrorised but they were given no protection.

Konand

On August 16, 1938, a Muslim butcher was waylaid and his cow snatched away. Thereafter a large Hindu crowd attacked the Muslims injuring 7 of them, one of whom died in the Bihar Sharif Hospital. Yet many Muslims were arrested and practically no Hindus.

Manipur (District Darbhanga)

On 15th September, 1938, the Hindus of this place picked up a quarrel with two respectable Muslims which led to a large number of Hindus collecting there and very seriously assaulting them. Then one of them was tortured brutally. The Hindu ring-leader ordered the torture saying : "Bhiteria Mar maro" (torture him internally). The poor Muslim's beard was uprooted. Other details are too horrible to relate. The Hindu Sub-Inspector who investigated the case completely suppressed the material details of the oppression. The doctor also ignored obvious marks of torture. It is not known how the cruel torturers were dealt with.

Daudnagar (District Gaya)

Hindus forcibly installed an image in the premises of an Imambara in September, 1938. The Hindu Sub-Inspector of Police declined to help the Muslims who afterwards filed a case. Meanwhile the Hindu Police Inspector rushed to the scene and before the magisterial enquiry was held he forced the Muslims to sign a "compromise" in the usual way perfected under the Congress regime.

Majhauli (District Monghyr)

In December, 1938, Hindus of this place made a wanton attack on the Muslims, committed loot and burnt a Muslim house. All this because a Muslim had sacrificed a cow. The local Congress Secretary attempted to minimise the offence of the Hindus and tried to put the blame on the Muslims. What happened to the culprits is not known.

Kurwan (District Gaya)

On 1st February, 1939 (Id day) an armed Hindu mob attacked the Muslims with cries of "Mahatma Gandhi Ki Jai," raided 12 Momin Muslims' houses, looted their property and destroyed their hand-looms. Nothing is known about the punishment of the culprits.

Barara (District Darbhanga)

On 1st February, 1939 (Id Day) thousands of Hindus fully armed and well-organized attacked the Muslims of this village flying Congress flags and shouting the "Jai" of Congress, Mr. Gandhi and "Gawmata". All Muslim property was destroyed including their crops on the fields. The local authorities opened fire but no attempt was made to arrest the real ring-leaders behind the scene.

Kaitha (District Bhagalpore)

On 1st February, 1939, a Hindu mob attacked Muslims assembled for Id prayer in the mosque and prevented them from either offering their prayer or their sacrifice.

Nayagaon (District Muzaffarpur)

In spite of recognised custom Hindus insisted on the Muslims giving up cow-sacrifice. On the Bakr-Id day, 1939, the Muslims exercised their right as usual. In revenge, on 6th March, 1939, Hindus attacked the Muslims shouting "Gandhi Ki Jai". One Muslim was killed and 16, including women, injured. 159 Muslim houses belonging to 59 Muslim families were burnt. This was one of the most dastardly and well-organised outrages planned in cold blood and committed with horrible cruelty, which has disfigured the regime of the Bihar Congress Ministry. Many of the culprits escaped unpunished. The victims were not compensated.

Hasnauli, Morhaina and Machhil (District Patna)

In February, 1939, on the occasion of the Bakr-Id oppressions were committed on the Muslims of these villages by the Hindus. At Hasnauli Hindus demanded the sacrificial cow and injured 6 Muslims. This village was raided 3 times. At Morhaina Hindus suddenly surrounded the village from the early morning of 1st February and demanded the sacrificial cow. The Muslims could not offer their Bakr-Id prayer in this village. At Machhil Muslims had previously informed the Sub-Inspector of Police of Hindu intentions but the officer took no notice.

The result was that several Muslim houses were raided and their property damaged.

Tiwri (District Patna)

A Muslim boy was brutally assaulted and a band of Hindus were about to burn him when he was rescued by some passers-by. This incident was admitted in a Bihar Government Press Note but no action seems to have been taken.

Gaya

The story of the riots which broke out at Gaya on the 6th May, 1939, is a long and disgraceful one. Suffice it to say that the authorities behaved in a manner partial to the Hindus and hostile to the Muslims. Official statements minimised Muslim losses and Hindu outrages and magnified Hindu losses and the Muslim share of the blame. A large number of public statements issued by responsible persons are on record and will prove the Muslim allegations. Muslim majority Mahallas were overpoliced while the Hindu majority Mahallas were under-policed or not policed at all. The police refused to help the workers of the Muslim League. Damage to Muslim mosques, looting and burning of Muslim shops were sought to be suppressed. Muslims, even in responsible positions, were deliberately harassed while Hindu ring-leaders were allowed to go scotfree and in various other ways grave discrimination against the Muslims was shown. All these allegations can be proved.

Paranpur (District Gaya)

Muslim butchers of this village, who were selling beef from time immemorial, were forbidden to ply their trade and Muslims were coerced into giving up beef-eating (April 1939). No protection was given to the harassed Muslims.

Panchrukhi (District Gaya)

On 13th June, 1939, Hindus attacked a Muslim marriage party and injured 13 Muslims. The Bihar Government issued a misleading Press Note stating that the assault was provoked by cow-sacrifice in an open space. The place where the cow was sacrificed was, on the admission of even Hindus, the time-honoured slaughter-house of the village. Besides, the cow in question was slaughtered at dead of night. The Hindus attacked and assaulted even Muslim women. For 5 days after the occurrence no Hindu was arrested, no Hindu house was searched and thus

evidence was deliberately allowed to be tampered with.

Arraha (District Bhagalpur)

Hindus wanted Muslims to stop calling "azan". Muslims naturally did not agree. After various insults and harassments the Hindus, in June, 1939, assaulted the Muslims and looted their property. Cases arising out of these were ultimately "comprised" [*sic.*] in the usual Congress way.

Charo (District Darbhanga)

Following a dispute regarding insistance by Hindus to take a new Harikirtan procession before the mosque at prayer time, a Hindu mob in May, 1939, fell upon the Muslims of this place, looted their houses and committed various atrocities fatally injuring a 70-year-old Muslim.

Patna City

Two Muslim women were forcibly taken away by Arya Samajists from the house of a Muslim on 11th May, 1939. The Arya Samajists were accompanied by a large number of Hindus who surrounded the Muslim's house. One of the women escaped but the other was taken and confined in the Arya Ashram. The police refused to interfere. When the President of the Bihar Provincial Muslim League drew the attention of the Bihar Premier a perfunctory official enquiry was held and although the invasion of the Muslim house was admitted no action was taken. Further details regarding this case are on record. The woman taken away by the Hindus was never restored to the Muslims but given in marriage to a Hindu by the Arya Samajists although her Muslim husband is living and [has] petitioned in vain for her restoration. Two other cases of this nature also occurred in Patna recently, in one of which a Hindu Sub-Divisional Officer passed an order of banishment on a Muslim woman who had committed no offence—an order which the Bihar Government admitted to be "injudicious". No action was taken against the officer. In the other case a Muslim woman was forcibly taken away by the Hindus and rescued with great difficulty. She was compelled to offer security though she had committed no crime. No action was taken against the Hindus.

Samastipur (Darbhanga)

On 17th July, 1939, some Arya Samajists wanted to abduct a Muslim woman and forcibly took her to their Ashram. The woman was

rescued but no action was taken against the offenders.

Phuiwari Sharif (District Patna)

Hindu processions with image were allowed with music in front of mosques against custom.

Barh (District Patna)

(*i*) A Muslim League Assistant Secretary was persecuted in many ways.

(*ii*) A Muslim husband was kept in the lock-up together with his wife and he was prosecuted for "abducting" his own wife who was sought to be proved a Hindu. The man was acquitted on trial but suffered much harassment.

(*iii*) Muslims were assaulted and a woman was forcibly taken away but the police took no steps against the offenders.

(*iv*) On 23rd October, 1939, Hindu processionists played music before the mosque during Taravih prayer. They refused to produce the licence when the police asked for it and disobeyed the police order. The police took no action.

Pandarak (District Patna)

During Muharram, 1939, Hindus pelted with stones the Muslim "Tazia" procession and later broke the "Tazias" into pieces. Information was lodged to the police but no action was taken.

Ma'afi (District Patna)

Muslims were boycotted from before Muharram, 1939. During Holi this year an armed mob of Hindus threatened to loot and kill the Muslims. When Muslims reported the matter to the police they came and arrested the Muslims who were defending their homes.

Palkhi (District Patna)

Muslims of this village have emigrated due to Hindu oppression.

Kamrina (District Patna)

Hindus stopped the Muslims from calling "azan" and planted the Mahabiri flag on a Muslim graveyard. No action was taken by the police.

Makhar (District Patna)

On the plea that a Hindu woman was concealed in some Muslim

ouse Muslim houses of this village were raided by Hindus under the lead of the Secretary of the local Congress Committee. The authorities found the complaint about the alleged Hindu woman entirely baseless but no action was taken against the offenders and the matter was dropped.

Karai Parsarai (District Patna)

The cattle market was looted by the Hindus, Muslim butchers were assaulted inside their houses and their cattle taken away. Police investigation was perfunctory, prosecution of the culprits defective and the accused were acquitted. The incident admittedly took place but nobody was punished.

Salehpur (District Patna)

A Muslim cattle market was looted but no action was taken against the offenders.

Katri Sarai (District Patna)

A Muslim butcher was assaulted for selling beef on the 29th August, 1939. The Sub-Inspector of Police made inquiries but took no action against the offenders.

Korva

Several Muslim houses were looted and raided, property and ornaments were taken away in the presence of the Sub-Inspector of Police. Muslims could not say their Bakr-Id prayers and no sacrifice was permitted.

Gauspur (District Gaya)

A Police Officer took the thumb impression of a Muslim on an "agreement" waiving the right to perform cow-sacrifice. This Muslim and another were subsequently falsely prosecuted under Section 211, 193, 211/114 I.P.C. The European Sessions Judge set aside the convictions and passed severe strictures on the persons concerned.

Arrah Town (District Shahabad)

A Muslim husband was suddenly arrested one day by some Arya Samajists (as if they were the Police !) on the ground that he was living with a Hindu woman. He was taken to the police station and confined in the lock-up. After much harassment he was released as no one could prove that the woman was a Hindu. No action was taken against the

Arya Samajists.

Bebhnaul (District Shahabad)

On the 25th May, 1939, two Muslims were murdered following an estrangement between the two communities. Information was lodged with the police but the matter was hushed up. The murderers went scotfree.

Sarvan (District Saran)

The cow which a Muslim had purchased at a fair and was taking to his home was forcibly snatched away by Hindus with the help of the Hindu Chowkidar. The Muslim was unnecessarily harassed and prosecuted on a false charge but he was acquitted. The cow was not returned, the Muslim suffered financial loss in defending himself and no action was taken against his Hindu persecutors.

Gorghat (District Saran)

Two cases of the nature described above took place in this village also.

Chanchoo Pali (District Saran)

The Hindus of this village suddenly closed the village well to the Muslims on the ground that they are beef-eaters although the Muslims had always used that well. The police gave no help to the Muslims.

Luthi (District Saran)

The Hindus of this village took possession of the Muslim burial ground and erected upon it a "Khaddar Bhandar". Magisterial enquiry proved it to be a burial ground but no remedy was given to the aggrieved Muslims.

Bahadurpur (District Saran)

The Hindus of the village demolished some of the graves in the Muslim graveyard and refused to allow Muslims to bury their dead. A corpse could not be buried for 24 hours. Police could not help the Muslims and the Hindus in thousands took possession of the graveyard. No action was taken against Hindus.

Aboy (District Saran)

The tomb of a Muslim saint, Alawal Pir, was attacked and damaged by the Hindus. The Muslim claim to the mausoleum was proved by historical records. The authorities unnecessarily harassed and

prosecuted the Muslims but took no action on the complaint against the Hindus.

Bagha (District Champaran)

The Hindus of this place were permitted against all custom to take a Mahabiri Jhanda procession along a road in front of the mosque. Many oppressions have been committed on the Muslims of this village such as turning out Muslim tailors from the bazar, refusal to sell cloth for the shroud of a deceased Muslim, looting of Muslim shops and general boycott of the Muslims. In one case a Hindu midwife was forcibly prevented from attending a delivery case in the house of a Muslim. Several attacks upon Muslim women were also made. The culprits were not punished.

Banauli (District Darbhanga)

A Muslim was taking his wife to another place in a "Zenana Sawari". Two Congress Hindus stopped the "Sawari" claiming the woman to be a Hindu. The lady was identified by a Hindu boy to be the wife of her companion but her "pardah" was violated. The culprits were not punished.

Bhagalpore

In connection with the Bhagalpore riots already referred to above several highly inflammatory leaflets which bore the names of the author and the printing press were freely circulated by the Hindus. No action was taken against the culprits. The leaflets are in our possession.

Shekhupura (District Monghyr)

In this village cow-sacrifice was prevented though it was according to the terms of a long-standing compromise between the Hindus and the Muslims. Later, Muslim houses were looted and destroyed and a Muslim was fatally assaulted. No action of any kind was taken by the authorities.

Lakhisarai (District Monghyr)

A customary Muslim procession was forcibly obstructed and 5 houses of Muslims were looted. No action was taken against the offenders.

Bhatta (District Monghyr)

The wall of a mosque was damaged, and the Quran was taken away by the Hindus. No Hindu was prosecuted and Muslims were threatened with proceedings under Section 211 I.P.C. if they filed any complaint against the Hindus.

Islampur Hat (District Purnea)

Some Congressmen constructed a temple on a piece of Muslim Wakf land just in front of a mosque. Muslims suffered this in silence for fear of the Congress Government.

Sahebganj (Santhal Parganas)

(*i*) On 29th March, 1939, because Muslims protested against the Mahabiri procession from passing in front of mosques, Hindus looted Muslim shops and threw their property into the Ganges, two Muslim boys were seriously wounded and various other atrocities were committed. All this was reported to the Police but they took no action against the Hindu offenders. Instead, 7 Muslims were arrested, harassed, wrongly prosecuted and ultimately released.

(*ii*) The anti-Muslim conduct of a Sub-Divisional Officer of this sub-division will be fully described in the Sheriff Report Vol. II. He is reported to have told the Muslim League Secretary that he would "shoot the Muslims and set them right". A complaint containing all these and other allegations against the Sub-Divisional Officer was sent to Babu Rajendra Prasad but he had not even the courtesy to acknowledge receipt of the complaint.

Kesada (District Hazaribagh)

Muslims were not given permission here to convert a "kutcha" mosque into a "pucca" mosque.

UNITED PROVINCES

Many incidents similar to those narrated above with regard to Bihar, also took place in the United Provinces. Only a few of them are mentioned below.

Dadri (District Ballia)

On November 20, 1937, an organised attack was made on Muslims

at a cattle fair. Two Muslims were killed and about 50 injured. Their cattle and property were looted. These outrages took place in spite of the presence of a large police force at the Mela. Previous warnings of Hindu intentions had reached the authorities but they could not protect the Muslims. Even a Congress Muslim leader, Maulana Ahmad Said, openly condemned the authorities. He named certain Congress leaders as having directly incited the Hindus. No action against them was taken. The U. P. Government issued an official statement attempting to shield the Hindus. Some Hindus were prosecuted but many of the culprits were not apprehended at all and the ringleaders went free.

Goujaikol (District Gorakhpur)

On August 10, 1937, a Muslim was murdered in this village where only two Muslim families lived as against two hundred Hindus. The Local Congress President and others were sent up by the police for trial in this connection, but they were released on bail. The result was that on the night of November 18, 1937, other members of the deceased's family were massacred, including a girl of seven. The police were informed of the situation but did not give any protection.

Sitapur

On February 12, 1938, a large armed Hindu mob looted the Muslim shops of Tirath Bazar and assaulted the shop-keepers. Prominent Local Congress leaders led the rioters. This was followed by the looting and burning of Muslim houses and property in the village Pera. This purely Muslim village containing about 70 Muslim houses was burnt to ashes. Sugarcane fields of the Muslims were also burnt down.

Then, led by Congress leaders, the house of a Muslim Rais, Qazi Iftekhar Ahmad, was raided. Many of the ringleaders who were Congressmen were not brought to book.

Zahidabad (District Gorakhpur)

In spite of custom Muslims were forbidden to sacrifice cows at this place during the Bakrid of 1938. Two Muslim M.L.A.'s and about 300 League volunteers were arrested. In the U.P. Assembly, Congress Ministers added insult to injury, by blaming the Muslim League for these incidents, although Hindus had used threats of violence and forcibly prevented cow-sacrifice.

Moradabad, Bareilly and Badaun

In these places, among other things, restrictions were imposed on Muslims during Muharram preventing them from customary religious observances although in many places innovations regarding religious observances and processions, etc., were allowed to the Hindus.

Banda

During the Holi of 1938, Hindus of this place, led by a local Congressman, made unusual preparations to observe the occasion. A big procession was taken before a mosque at prayer time and colour was deliberately thrown on Muslim worshippers. The mosque was polluted and brick-bats and mud were thrown inside. Later, the mosque was attacked and a portion of a wall broken. Some of those inside the mosque were wounded. The Hindus entered it and destroyed the clock and the prayer carpets. Then a Muslim flour-mill was set on fire and so was another Muslim's car. Other atrocities were also committed. For a fortnight after the occurrences no Hindu had been arrested and in the usual way evidence was allowed to be destroyed.

Moosapur (Tehsil Dhampore)

During the Holi, here also the Muslim population were attacked by Hindu mobs. Many were injured, some seriously. Muslim property was looted. Only 15 Muslims, including 2 women, were sent to the hospital at Bijnor, although almost the entire Muslim population of the village had been injured. Police investigation was defective and the injured patients in the hospital were reported to have been maltreated. Muslims were forbidden by orders under Section 144 to sacrifice cows although the civil court had given them the right many years ago.

Mohammadpur and Jamdarpur (District Bijnor)

At the former place during the Holi of 1938, Hindus rushed into Muslim houses, sprinkled coloured water, damaged their property and even molested a woman. At the latter place the Muslims were similarly molested and coloured water was thrown on the floor and walls of the mosque. No action was taken.

Benares, 1938

The Holi riots of March, 1938, resulted in loss of life, injury and grave loss of property to the Muslims. A Hindu shopkeeper

fired upon the Muslims and wounded many of them, but a Congress Minister in the Legislature made light of the incident, describing the gun as only a "toy gun", and defending the shopkeeper's action as being in "self defence". The whole issue was thus prejudged and this gave a dangerous lead to the local authorities. All Muslim quarters were surrounded by the police and the military whereas Hindu quarters were hardly policed at all.

Benares, 1939

Repeated provocations were given to Muslims during the Muharram, but no action was taken against the mischief-makers. A Hindu Pandit submitted a written warning to the City Magistrate disclosing the plans of the Hindus to precipitate a riot and kill the Muslims. The Pandit gave names of 117 Hindus who were thus conspiring. No action was taken against them. Provocative leaflets inciting Hindus to violence and insulting H. H. the Nizam of Hyderabad were freely distributed. Nothing was done to check these.

On March 3, 1939, the Hindus found a pretext and started the long-planned riot. On the following day a Hindu Congress Minister of the Province visited the place and held secret consultations with officials and local Congressmen. Thereafter the policy followed by the Local authorities was such that the Muslims were continuously harassed. Few permits during curfew hours were issued to them while twenty times more permits were issued to the Hindus, who freely moved about all over the city. Local Congress leaders (whose names can be given) usurped the power of the police, sat at police stations, drove away Muslim complainants, persuaded the police to release Hindus brought under arrest and in many other ways helped the Hindus and harassed the Muslims. Due to these circumstances a complete account of Muslim losses in life and property was never obtained.

Ten mosques were wholly or partially demolished in Benares and its outskirts during the riots. The authorities at the instance of the Congress Government and against their own conviction prosecuted the local Muslim League Secretary on charges that were so false that the Hindu riots Magistrate discharged them and passed strictures on the prosecution. The Muslim League officials and workers were thus deliberately harassed.

Hapur

Tombs were desecrated and the graveyard ploughed. No action was taken against the offending Hindus.

Siana

On May 15, 1939, a Muslim butcher was severely assaulted. The Imam of the local mosque who informed the police was also assaulted. The Imam was then implicated in an arson case. Several other Muslims were also assaulted. Forcible attempts were made to make Muslims agree to give up beef eating. The authorities gave no protection to Muslims.

Harnoi (District Bulandshahr)

Muslims at this place were forcibly compelled to contribute to the expenses of building a Hindu temple for idol worship. At first they protested but they were boycotted, their grazing grounds and the village well were closed to them and ultimately they were coerced into submission. No protection was [given] by the authorities.

Hindur (District Badaun)

Here Muslims had been given written permission on previous occasions to offer cow sacrifice, but in 1939 permission was refused without assigning any reason.

Naglasharqi (District Badaun)

Undue restrictions were imposed on Muslim religious processions. Proceedings under Section 107 Cr.P.C. were drawn up against Muslim League leaders who were arrested and harassed. Two Congress M.L.A's. were ringleaders in the trouble here.

Oria (District Etawah)

For the offence of holding a League Conference and allowing a Conference of the scheduled castes in the same Pandal, Muslims were completely boycotted. Printed handbills were issued to announce the boycott. The Bazar of a local Muslim was also boycotted, and Hindus were forcibly prevented by the ringleaders from going to that Bazar. The village wells were closed to the Muslims and they were prevented from sinking their own well. No action [was taken] by the authorities.

Suria (District Etawah)

On March 7, 1939, a large armed Hindu mob besieged the village and wanted to murder the Muslims on the pretext that the latter had murdered two Hindus. The allegation against the Muslims was found to be false, but no action was taken against the ringleaders of the mob who had come to commit violence on the Muslims.

Atrauli (District Aligarh)

Hindus tried to enroll Muslims forcibly as members of the Congress. A Muslim teacher who refused to join the Congress was falsely accused of an offence and he was dismissed without any investigation. A Muslim Sub-Inspector of Police who, while on leave, had represented the case of the local Muslims at a magisterial inquiry, was later harassed for many months and then implicated in a criminal case. There is a mosque at this place before which no procession with music had been allowed previously. In 1939, Hindus wanted forcibly to take such a procession. The investigation into the consequent disturbance was held on the Id-al-Azha Day in spite of Muslim protests. Respectable Muslim leaders were unnecessarily arrested and harassed.

Qutubpur, (District Aligarh)

On the pretext that a Muslim had injured a buffalo calf, the Hindus attacked the Muslims, demolished the minarets of the mosque and looted Muslim shops. The police took no action, but on the contrary allowed the Hindus to compel the Muslims to sign an "agreement" containing the most humiliating terms.

Hathras

Muslim shops were looted and they were so terrorised that they were even afraid to speak out their complaints. This was the result of the arrest of a Hindu by a Muslim police officer in May, 1939. No action was taken against the Hindu culprits. On the other hand they were allowed to hold meetings and deliver inciting speeches.

Ganeshpur Tehsil

In Ganeshpur Tehsil, near Atrauli, a Muslim who used to say his prayers in front of his house on a raised platform was mercilessly assaulted and the platform razed to the ground following his refusal to give up his prayers. He was thereafter boycotted, his

womenfolk insulted and ultimately he had to send them away from that village. No action was taken against the culprits.

Sarnath (near Benares)

On August 1, 1938, Muslims were attacked suddenly at a Hindu Mela and indiscriminately assaulted. The ringleaders went scotfree.

Anola (Bareily)

A Muslim procession on the Prophet Day was suddenly attacked by Hindus on May 14, 1939, and several Muslims were injured. Adequate action was not taken.

Agra

On May 22, 1939, Hindus openly defied the police and played music before the Juma Mosque which led to a fight in which Muslims were injured. The ringleaders among the Hindus were not punished.

Allahabad

The story of the Allahabad riots of March, 1938, cannot be adequately summarised. Suffice it to say that during the Muharram of 1938 the authorities refused to observe the previous custom of preventing marriage processions from passing the streets used by Muharram processions. Before the Muharram, orders under Section 144 Cr.P.C. were promulgated and Muslims were threatened that rioters would be fired upon by the military. Subsequently, on the night of the 9th Muharram (March 12) a tazia was snatched away and destroyed by Hindus before the very eyes of the District Magistrate. Muslims' restraint was praised in writing by the District Magistrate. The police so mismanaged the prosecution that the guilty persons in connection with the tazia incident went unpunished though the District Magistrate himself testified in court to the violent conduct of the Hindus. On the occasion of the "Holi" which followed a few days later no restrictions were imposed on the Hindus by orders under Section 144 till after riots had begun and Muslims had been assaulted, killed and looted. The full report of these incidents proving the partiality of the authorities and undue harassment of Muslims is set forth in the statement of Mr. Zahoor Ahmad of Allahabad and in he Pirpur Report.

Arail (Distric Allahabad)

At this place the Hindus several times tried to take Ram Lila

processions forcibly and against custom through a mainly Muslim village but were prevented by the au'horities. Angered at this they revenged themselves on the Muslims by waylaying them and committing stray assaults on them. Muslim children could not go to schools nor Muslim men to the bazar at Naini in safety. Armed Hindus roamed about and threatened reprisals. Some local Hindu officers were alleged to be guilty of connivance. This state of lawlessness continued for a long time without any protection being given to the Muslims.

Raipur (District Pilibhit)

In July, 1937, the very month that the Congress Ministry came into power, persecution and intimidation of Muslims began at this place. Reduced to serious straits, the Muslims of the village decided to migrate of village Khamarya. When they were removing their property in bullock carts the Hindus tried to stop them forcibly. A large mob of Hindus, reinforced by others from neighbouring villages, attacked the Muslims, the leader of the mob brandishing a naked sword. As a result of the disturbances Muslims were prosecuted but the ring-leaders of the Hindus who had made an unprovoked attack and some of whom were prominent local Congressmen, escaped unpunished.

Tanda (District Fyzabad)

Terrible oppressions were committed on the Muslims of this place on August 21, 1938. The local authorities ordered firing on a peaceful Muslim crowd simply because they refused to allow a Hindu procession to pass with music in front of their mosque without the sanction of previous custom. Muslims were killed and injured and after the firing the police committed indiscriminate assaults on Muslims, entered Muslim houses and arrested even sleeping people including old men and children. A state of martial law prevailed. Egress from the place by Railway was forbidden, sending out of news through the telegraph was stopped, and Muslims were reduced to a state of unspeakable misery and terror. These facts are corroborated by statements issued by the President of the Tanda Congress Committee himself, as well as by Maulana Husain Ahmad Madani who is a staunch supporter of Congress. The Hindu Sub-Divisional Officer and the local police were bitterly criticised for their conduct by these Congressmen themselves. The U. P. Government after a long delay appointed Mr. Justice Yorke to

hold an investigation but by that time evidence had been suppressed and, therefore, Muslims boycotted that futile and belated enquiry. The Hindu Congress leaders throughout justified all the atrocities committed on the Muslims.

Aligarh

On January 26, 1939, Hindus Seva Samity volunteers made an unprovoked attack on some students of the Muslim University. A responsible Hindu Police Officer and a constable took sides with the aggressive party and ordered "lathi" charge on the Muslim students and even revolver shots were fired by a Hindu Police Subedar. The statement issued to the Press by the Pro-Vice-Chancellor on the subject contains the details of the occurrence.

Zamania (District Ghazipur)

On June 13, 1939, a Hindu mob attacked 3 Muslims without any provocation when they were going on an '·Ekka" to Ghazipur. They were seriously injured. One of the injured persons told the police the names of the assailants but the Hindu Sub-Inspector did not record his dying statement on the ground that the injured man's mental condition was "not satisfactory". Shortly afterwards the man died in the hospital. The other two complained of maltreatment by the Hindu doctor at the hospital and left the hospital in fear although they were still in a serious condition. The Muslims of Zamania were also harassed in many ways on many other occasions. The Hindu Sub-Inspector of Police was accused of grave dereliction of duty and partisanship but the authorities took no action.

CENTRAL PROVINCES AND BERAR

The following is a very brief statement which indicates categorically the nature of Muslim charges against the Congress Ministry of that Province :

(1) The leaders of the Hindu Mahasabha and their agents were given free rein to carry on the most virulent anti-Muslim propaganda while a very large number of leaders and workers of the Muslim League were bound down or prosecuted under various Sections of the Penal Code. The communal Hindu papers were not in any way checked although some of them, published in Mahrathi, were extremely provocative in their writings but action was taken against almost all the Muslim newspapers for much less provocative writings.

(2) Strong objections were taken by the Muslims of Akola, Nagpur,

Khamgaon, Malkapur and Khandwa against the violent speeches of certain Arya Samaj workers but the Government took no action. Only one Arya Samajist was prosecuted under Section 153 I.P.C. but Government soon withdrew the prosecution. The man went on hunger strike and Hindus indulged in violent demonstrations and hartals which evidently cowed the Government down. For lesser offences prominent Muslims were prosecuted and punished.

(3) In many places huge Hindu processions were allowed, often against custom, to pass in front of mosques and on several occasions mosques were defiled and their properties destroyed. Such incidents took place at Pandaurna (Saoner Tehsil), Patansangi (Nagpur Tehsil), Gaddigodam (Nagpur Town), Dhamtari (Raipur District), Nowargaon (Chanda District), Khamgaon, Kurrah, Malkapur, Chandur Biswa (in Berar) and other places.

(4) There have been several instances when Hindu women who had become Muslims of their own choice and taken Muslim husbands were forcibly removed with impunity by armed gangs of Hindusabha hooligans. Report to the police produced no result. Nagpur became notorious for this. Only one case was sent up for trial and other cases remained untraced.

(5) A gang of armed Hindus forcibly entered the house of a Muslim in Khamgaon on the pretext that a Hindu woman had been converted to Islam. The allegation was false but the Muslim was severely beaten. In village Bakheda of the same Taluq a Hindu gang led by well-known Hindu leaders made a similar assault on several Muslim houses on a similar pretext and assaulted the inmates, and destroyed their property. No action was taken.

(6) At Lunar in Buldana District, Berar, Muslims were forcibly prevented from using sweet water from its only source of supply which was the gift of old Muslim Kings.

(7) The murderers of Muslims in the Nagpur and Arvi riots of 1935 who were undergoing long terms of imprisonment were released immediately after the Congress Ministry came into office.

(8) The cases against the accused arising out of the Jubbulpore riots of 1938, in which both Hindus and Muslims were involved, were withdrawn but in several other places similar cases were not withdrawn because the accused happened to be Muslims. In the Jubbulpore riots 4 Muslims had been killed and, therefore, there was every likelihood of the Hindus being more severely punished than the Muslims.

Hence the withdrawals in Jubbulpore.

(9) An impartial investigation will show that most of the riots in this Province took place during the Holi festival and that Muslims were the greatest sufferers. Yet the number of Muslims who were prosecuted far exceeded the number of Hindus.

(10) An innocent Muslim boy was murdered at Katni. Some influential Hindus were arrested. Then followed Hindu protest meetings and demonstrations with the result that the arrested persons were released. No one was sent up for the murder of that boy.

(11) At Katangi a Muslim youth died of wounds in suspicious circumstances while in police custody. Government took no action to bring the culprits to book.

(12) In marked contrast to these is the case of Chandur Biswa. One Hindu was killed in a riot in which both Hindus and Muslims had received injuries. Immediately afterwards the entire adult Muslim population of the village was put under arrest and greatly harassed. The Congress Premier made a speech in the Assembly strongly indicting all the Muslims of that village. The hint was taken by the subordinate officials and 157 Muslims including minors, old and diseased persons were arrested and locked up and subjected to great sufferings. Only 43 were ultimately prosecuted but the rest, though released, suffered terribly. Grave outrages were committed by the police in course of their raid on the village and arrest of Muslims. Afterwards punitive police was stationed at Biswa although the Advocate-General admitted in open court that there was at that time no tension in that area.

(13) Throughout the Province Hindus carried on unfettered propaganda through the Press and the platform for the complete boycott of the Muslims. Muslim trade and business was thus hit hard, Hindus were openly asked not to make purchases from Muslims, not to pay their dues to Muslims and Muslim shops were picketed in many places. Muslim "Fakirs" living in villages were turned out, Muslim "Idgahs" were desecrated. At Biswa, cow dung and human excreta were thrown on the "Tazia" during Muharram and also in the mosque and the Muslim library. Muslim contractors were taken to task by responsible officers of local bodies for employing Muslim labourers. Muslim "Tongawalas" and taxi drivers were boycotted and Muslim employees of factories and in private services were gradually dispensed with.

(14) During Hindu processions offensive slogans became customary

such as "Hindusthan Hindu-ka-Hai Na-Kisika-Bapka," "Nizam Besharam", "Nizam Murdabad", "Mussalman Besharam", "Islam Murdabad", etc. The Police took no notice of these.

(15) At Malkapur a procession was tried to be taken with music past a mosque at prayer time. A "Tazia" was burnt during Muharram. Several Muslims who tried to establish peace were themselves attacked with "lathi" and spears.

(16) At Martuzapur Arya Samajists held anti-Hyderabad meetings simultaneously with a meeting of Muslims to celebrate the Prophet's birth day. Stones were thrown at the Muslim meeting but only Muslims were prosecuted.

(17) While Mr. Sharif was turned out of the Ministry for reprieving a Muslim suffering imprisonment for an offence against a Hindu girl, the Congress Ministry remitted the death sentence of a Hindu "Panwala" of Hoshangabad who had been convicted of a graver offence. In this case the victim happened to be a Muslim woman and the culprit was a Hindu. The mentality of the Ministry is abundantly proved by this one case alone.

(18) There are many cases when authorities of local bodies used coercion on Muslim employees in order to get them enrolled as Congress members.

(19) In many places taxes or fees were imposed for sale, purchase or slaughter of cattle, Khamgaon, Nandura, Chikla, Buldana, Akola, Karanja, Martuzapur, Arcot, Amraoti, Dhamangaon, Yeotmal, Ghatanji and Wun are some of the municipalities which imposed exorbitant fees on cow-slaughter and framed by-laws putting restrictions on the sale of cattle.

(20) At Khamgaon the Municipal Committee refused grant to the Muslim high school which had always been in receipt of a grant.

(21) The birth days of the late B. G. Tilak and Mr. Gandhi were declared as holidays. The title "Mahatma" was officially recognised and Muslims were also required to use it.

(22) Several Local Boards issued written orders to Urdu schools asking them to celebrate the Gandhi Jayanti and to worship the image of Mr. Gandhi.

(23) The Hinganhat Municipality imposed a heavy licence fee on the aerated water business which was mostly in Muslim hands. The Itsari Municipality prohibited cattle slaughter within the municipal limit even during Bakr-Id.

(24) In the 83 Local Boards of the Province out of 1,500 elected members not even half a dozen are elected Muslim members and there are only about a dozen Muslim employees.

(25) Ministers and Government officials openly told the people not to take part in Muslim League activities as otherwise they could expect no help from Government.

(26) The Khamgaon Municipal Committee refused grant to the secondary Urdu School on the ground that helping Urdu education would be "helping sectarianism".

(27) In all Government and local bodies' schools Muslim boys were required either to sing "Bande Mataram" or to bow like Hindus while the song was sung.

(28) Muslim subordinates were persecuted by many Hindu superior officers. This was specially noticeable after the Jubbulpore, Saugor and Damot communal riots.

(29) At Khamgaon there was a written agreement between Hindus and Muslims according to which no procession with music would pass before the Jubbulpore mosque. During Ramzan Mr. Savarkar's procession was allowed past this mosque in violation of the written pact. When approached the Government kept silent.

(30) There have been several cases of persecution of butchers whose cattle were forcibly taken away and neither the culprits prosecuted nor the victims compensated.

(31) There have been many cases of Patels and Patwaries harassing Muslim agriculturists. For instance, in Badnera unjustifiable process was issued against Muslim landholders.

(32) Teachers in schools having Muslim League sympathies were victimised.

(33) A Muslim City Superintendent of Police and a Muslim Deputy Superintendent of Police were harassed because they followed up the complaint of a Muslim girl against a very high placed person whom the girl identified as the man who had committed an outrage upon her. The case was hushed up and the girl subsequently married to the motor driver of the high placed person in question.

(34) Another Muslim District Superintendent of Police who had prosecuted the brother of a Congress M.L.A. for defalcation of municipal funds was similarly persecuted.

(35) All Muslim Honorary Magistrates with Muslim League affiliations or sympathies were removed from office.

(36) The Ministry ordered the acquirement of land attached to the Kotwali Mosque, Jubbulpore.

(37) At Mahker the Municipal Committee, under orders of the Congress Committee, included Muslim milk sellers as "Hindus" in the electoral roll.

(38) The Congress Government spent thousands to help Hindu weavers, but no help was given to Muslim weavers.

(39) Hindus were allowed freely to make organised efforts in cattle markets to prevent sale of cattle to butchers.

(40) The Anjuman Islamia Press of Jubbulpore used to receive previously Government printing orders and out of its profits maintained the only Urdu High School there. The Congress Government stopped giving printing orders to that Press reducing the Urdu High School to great difficulties.

(41) Although the population of Muslims in Jubbulpore is about 25 per cent. there has been a progressive reduction of Muslim employees in the district office.

(42) At Saugor the President of the Municipal Committee ordered the Muslim students of the Municipal High School either to sing "Bande Mataram" or leave the school.

(43) In some places, for instance, in Mandla, cow-sacrifice was totally prohibited.

CONCLUSION

That is the end, for the present, of my narration of facts as I have obtained them. It may be that in some of the instances which I have cited action was taken against some of the culprits, information about which has not reached me. That would make no difference to the Muslim case against the Congress. No one can deny that these grave outrages were committed and the helpless Muslims, living surrounded and outnumbered by Hindus, suffered in consequence. The hanging of the murderer does not bring the murdered back to life and it is little solace to the victims of outrages, typical instances of which have been cited above, to know that their tormentors and persecutors have been punished. The Muslim case remains that during the Congress regime they were condemned to live in terror and to suffer these atrocities, while the Law moved tardly or did not move at all.

87

THE SHAREEF REPORT : PATNA : DECEMBER 1939

CONTENTS

Source : *Report of the Publicity Committee of the Bihar Provincial Muslim League on Some Grievances of the Muslims, 1938-39.* Published by the Bihar Provincial Muslim League, Patna, December 1939.

To

Syed Abdul Aziz Esqr.,
President,
Bihar Provincial Muslim League.

Sir,

As has been mentioned in the Introduction which constitutes the 1st Part, my Committee has adopted this Report which is submitted to you. Besides myself as the President, the Committee consisted of :—

1. Mr. Imteyaz Kareem, Advocate, President Patna District Muslim League and a member of the Provincial Working Committee.

2. Mr. Syed Azizul Haque Fakhruddin, Advocate, High Court, Patna, ex-President of the Patna District Muslim League.

3. Mr. Syed Mohammed Majeed, Advocate of Patna City.

4. Maulana Syed Shah Husain Mian, Provincial Propaganda Officer of Phulwari Shareef.

5. Maulana Mohiuddin Tamanna Saheb [,] a vice-president of Provincial Muslim League.

6. Maulana Syed Ibrar Hussain Saheb [,] a Shia theologist and professor of Jamea Sulaimania, Patna City.

7. Moulvi Syed Zamiruddin Ahmed.

8. Khan Saheb Syed Mazhar Imam, Asst. Secretary, Provincial Muslim League and member of the Minority Provinces Deputation of the All India Muslim League.

9. Maulana Abbas Videyarthi Saheb, Propaganda Secretary, District Muslim League Mozaffarpur.

10. Khan Bahadur Syed Hasan, General Secretary, the Bihar Provincial Muslim League and Mr. Syed Naimul Haque, Advocate, M.L.A., Secretary of this Committee. The evidence and the materials which form the basis of this Report could not form a part of it, but are preserved in my office for reference if and when required. The Committee has taken full advantage of the evidence and data collected by the District Leagues and the local officers of the places concerned, to whom I am very grateful.

The Report is divided in three parts. The first Part is the introduction, the Second Part deals with some typical cases of atrocities committed upon the Muslims in general throughout the Province, in villages and towns, at the hands of the Congress Government and the oppressive manner in which the Congress Government and its officials are depriving the Muslims of the due performance of their social, religious and even civic rights. The Third Part gives a few cases of interference with the

Muslim Language, Culture and some of their grievances in the services. I am giving in the form of an Appendix to Part II certain incidents relating to village Sarthuha in the sub-division of Barh, Patna [,] which became available only after the Report had been sent to the Press.

I was authorised by the Committee to draw up the Report. This Report when prepared was placed before the Committee at its meeting of the 10th December, 1939 when it was considered and approved.

I have to mention that after preparation, the Report was sent to Mr. Khurshaid Husnan a leading Advocate and the senior-most Muslim member of the Indian Bar of the Patna High Court for the expression of his views on our charge-sheet. He has expressed such opinion, which is set out in the form of an Appendix after Part III of this report.

I have to express my thanks to you, Sir, for your continuous advice on the various matters connected with this Report, [and to] all the members of the Committee for their valuable assistance and co-operation. I have specifically to thank the Secretary Mr. Syed Naimul Haque for the very valuable assistance which he has given me at the time of the preparation of the Report, and but for his most untiring zeal the Report could not have been put through so soon. I have also to express my appreciation of the work of Mr. Syed Azimul Haque who has been incharge of the office, and who also visited the districts in order to collect the necessary materials, has arranged the same, and kept them ready for use in a systematic manner, and has also rendered other very valuable and willing assistance. In this connection I can't forget the donors whose very valuable financial assistance was a great asset to the Committee in this work. My thanks are due to them as well.

A typed Copy of this Report, as soon as it was ready, was forwarded to the Hon'ble Mr. A. K. Fazlul Haq, the Premier of Bengal as desired by him.

I have the honour to be,

Sir,

Your most obedient servant.

S. M. Shareef.

Musallapur Kothi

Patna

20th December 1939

Part I

INTRODUCTION

A Committee was appointed by the Working Committee of the Provincial Muslim League to collect materials and to submit a report on the Grievances of the Muslims in Bihar during the Congress regime subsequent to the period which was dealt with in an earlier Report known as the "Shareef Report". The Annual Provincial Muslim League Conference which was held at Patna on the 1st October, 1939 passed a resolution in pursuance of which it constituted a Publicity Committee on a permanent basis with me as its President and this committee was called upon to prepare a Report on such acts of oppression as occurred after 1938, till the publication of the second volume of the Shareef Report, the period before the middle of 1938 having been covered by the previous Report. This Report is to cover as wide a field as possible, such as, confiscation of Muslim League papers, harassment and persecution of Muslim League Workers, cases of abduction of Muslim girls by Hindus if any, cases of bias of Government officials and the Police against Muslims, obstruction to the cultural, economic, religious and social and other rights of Muslims, recruitment to the services [,] etc. In fact the terms of reference were sufficiently wide to include all the grievances of the Muslims no matter of what kind and in connection with what matter.

PROCEDURE ADOPTED

The same safe guards and precautions have been taken as in the case of the previous Report in the collection of the materials. As before the various District and Sub-Divisional Officials of the League were given to understand that all materials sent by them must be absolutely correct in every particular and item, that there should be no mis-statement or exaggeration in even the minutest details, that if there was any doubt of any kind relating to any matter, it was better not to submit such information or report, and that before the reports were submitted, the said officers of the League were to sift and test all the materials submitted to this Committee.

It has to be mentioned, as stated in the previous Report, that

the Muslims have no complaints against the Hindus as such. It was stated in that Report that the Hindus were being exploited by political parvenus, upstarts, and self-seeking persons, purely for purposes of personal benefit and that the Hindus, otherwise perfectly communally sound, were the victims of this unwholesome exploitation. Unfortunately it has to be stated now that during the period of 27 months while the Congress Government was in office, the feelings of the Hindu masses have been horribly inflamed. A feeling that 'Ramraj' has come into existence has been engendered; the oppressions, atrocities and the cruelties perpetrated on the Muslims have assumed terrible proportions in the whole of the province, and the Muslims in villages where they are in hopeless minority have lived in fear and have suffered from the tyranny of the Hindus of those and the neighbouring villages. There have also been cases, where Muslims [,] as in one village [,] have on account of their terrible cruelties and oppressions, been compelled to leave their houses and to immigrate to other villages where they are not numerically so small and negligible. An attempt is being made by the local Muslim League acting under the advice of the Working Committee of the Provincial Muslim League to induce them to return, on getting assurances from the officials concerned and the Hindus of the locality. There are other instances also where immigration out of fear is either being contemplated or actually carried out. Feelings between the two communities have become completely estranged in the whole province and Hindu exploiters have succeeded in inflaming Hindu passions wholesale in the province. The brotherly feeling which had existed for centuries between these two communities, I am pained to admit no longer exists. These exploiters have succeeded in embittering the Hindus and Muslims completely. Every wearer of a Gandhi-Cap and a Khadi Dhoti and Kurta considers himself a part of the Government and the elect in this existing Ramraj. The Muslims, even in those places where they are in a hopelessminority, have become exasperated to the verge of desperation, for even the weakest will turn, when he has no other remedy, and will defend himself.

DEMORALIZATION IN THE SERVICES

This continues apace and has reached gigantic proportions.

These officials whether to gain favour or for fear of victimisation, have behaved communally in the very large majority of cases set out in this Report. They have taken lessons from the Government

on these matters and have seen the attitude which Ministers and Parliamentary Secretaries have themselves adopted in the matter of these communal frictions. From the perusal of the pages of the last Report it must have been abundantly clear to these local officials, how partisan the Government had been in these communal matters, and the large majority of local officials have seen in the papers the proof of this partiality to one community and prejudice against the other and have very often taken the Government as their guides. A perusal of this Report will show how, over and over again, justice has been denied to the Muslims. How Hindu offenders have been left unprosecuted and untouched, no matter what their offences against Muslims, even if the offence be murder.

ATTITUDE OF THE POLICE

From a perusal of this Report it will be noticed time and again how the communal attitude of the local police has become blatant. Hindu offenders have in practically all the cases under Report gone free. No arrests have been made. No legal action has been taken against them, though the offences committed are arson, loot, assault—often grievous and [*sic.*] even murder of Muslims, or if by accident or owing to pressure from some very senior police official, often European, action has been taken by chance against the Hindus, the investigation being in the hands of these lower graded police officers, the selection of the witnesses and the evidence which is to be placed before the courts against these offenders being in their hands; they have so fearfully mismanaged the prosecution case that even these few cases have resulted in acquittals of the Hindus. Such prosecution [*sic.*] of Hindu offenders are merely isolated ones, but rare exceptions. The general rule has been that such offenders are left untouched as will appear from a perusal of this Report. It will be interesting to refer to a statement made by the Ex-Finance Minister of the Congress Government on the unhappy incidents of a village named Konand, in the Sub-division of Bihar. Unfortunately the official report of the proceedings is not before me, but the speech as reported in "The Indian Nation" of 23rd August, 1939 is before me and while the accuracy of the report cannot be vouched for, the report is in all likelihood correct. The Hon'ble Minister gave a onesided view, has accepted the Hindu version, and has practically ignored the Muslim version or may be, does not believe a version coming from such a source. He says amongst other things that "six Hindus received gun shot wounds and

sword-cuts. Six Muslims also received minor injuries". It is remarkable, that in this village the only person who died as a result of injuries received in this village was an old Muslim, who died in very unfortunate circumstances. This omission, this forgetfulness of the Ex-Minister is not an isolated one; there was almost an equal lapse of memory reported in the previous Shareef Report. This one-sided version of the then Minister, these omissions in regard to important matters, give an incorrect lead to the officials and the lower police officers who may very naturally be misguided by this declaration of the Government's attitude of mind in communal matters. They may see from it the way the wind blows and may consciously or unconsciously shape their own attitude in regard to communal matters. It is not surprising that there have been such wholesale miscarriages of justice whenever there have been communal frictions in this province. It will also be seen from the perusal of this report, that though the properties of the Muslims have been looted, they have been seriously injured and in one case of communal riot although the only case of a fatal injury was that upon an old Muslim who died subsequently, it is the Muslims alone who were prosecuted and after considerable harassment, and protracted trials covering a period of months and after they have been wrecked financially, physically and even mentally, they were acquitted. This happened at a village named Konand in the Sub-division of Bihar. I understand a rule has recently only been issued by Justice James. This matter will be brought out in a greater detail, when the unfortunate oppressions of the Muslims in this village are dealt with later in the Report. The action of the Police set out above will be further illustrated in the case of other villages such as Pachrukhi, Jahanabad, Korvi, Gaya, Bhagalpur (1939) [,] Manjhoul and several others.

I am glad to be able to say that the previous Shareef Report still remains unchallenged and my information is that though this Report has been before the Information Officer of the Bihar Government for two or three months with a view to a reply being given to it, no communique in answer to this has so far been forthcoming. It will be the honest endeavour of the writer of the present Report to only base it upon such materials as are completely authentic and undeniable.

ENQUIRIES BY INDEPENDENT TRIBUNAL REFUSED BY THE BIHAR GOVERNMENT

Although the Shareef Report has been sufficiently, widely circulated,

although it has been before the Information Officer of the Bihar Government for several months, no enquiry into the complaints of the Muslims was suggested or ordered by the Bihar Government during the 27 months that it remained in power. My challenge to the Bihar Government for an Independent enquiry into the communal riots at Bhagalpur last year was not accepted. No enquiry was ordered for reasons that must be obvious to all fair-minded persons. Recently during the months of May 1939, terrible things happened at Gaya. Murders of Muslims as many as 16, wholesale lootings, arsons, grievous injuries, demolition and desecration of mosques took place. Although the whole thing indicated a horrible state of affairs, a large number of these occurrences took place in the presence of Police Officers, and the District Magistrate himself saw a great deal of the offences complained of; the whole of these matters was brought to the notice of then Hon'ble Mr. Srikrishna Sinha, the Prime Minister by the Secretary of the Gaya Muslim League in a written statement of facts and he was asked to order an independent enquiry, and a Press Telegram was also sent to him but no independent inquiry was ordered for very clear reasons. The Government obviously could not risk an open enquiry by an independent tribunal. Dr. Rajendra Prasad writes to Mr. Jinnah in mid-October that the complaints of the Muslims against the Bihar Government are without foundation and are false. The writer is definitely in a position to say with a full sense of responsibility, and Dr. Rajendra Prasad may deny if he can that at the time of his writing his letter to Mr. Jinnah, he did not even know what these complaints were, for I know as a matter of fact that he had not read till the 9th or 10th of November the Shareef Report which contains a catalogue of charges against the Bihar Government and sets out some of the grievances of the Muslims. This is the state of mind of the President of the Congress, one of the Congress High Command. The Hon'ble Dr. Mahmud the then Minister of the Bihar Government in a speech at Abbotabad in the North West Frontier said, (which was challenged by Mr. Mazhar Imam, the Asst. Secretary of the Provincial Muslim League in a statement published in the local press) he was not satisfied that there have been any cases of oppression of Muslims by Hindus under the Bihar Government, and that he was a sufficient Muslim to resign from office if he were so satisfied and that such charges were baseless. The writer is in a position to assert and with a full sense of responsibility, that Dr. Mahmud had not seen the Shareef Report up to 10th November, 1939, which gives instances upon instances

of such atrocities upon the Muslims. I do not know if he has read it even now. Dr. Mahmud may deny this if he can. It must be noted that this speech of his was made about three months previous to November. Can the Muslims be blamed if they do not trust the *bona fides* of these Congress great men ? Is it surprising that the Muslims of this unhappy province, feel that they have been thrown to the wolves and no justice of any kind can be expected from persons with such an astounding mentality? These are the men who do not believe and they do not even know what it is that they do not believe. None are so blind as those who will not see, and only those who will not see cannot see the obvious. It may incidentally [*sic.*] be added that copies of the Shareef Report were sent on the 9th March, 1939 by registered post to Mr. S. C. Bose the then President of the Congress and to Pundit Nehru from whom however I did not have the courtesy of a reply.

Dr. Rajendra Prasad as noted above asked Mr. Jinnah to send all matters of oppression of Muslims by the various Congress Governments to the Chief Justices [*sic.*] of the Federal Court for an enquiry into these complaints. He had already passed judgment and said the charges were baseless. It would have been the Congress High Command that would settle the terms of reference to the Judge. The Congress High Command will receive his Report and consider the action to be taken on it. Therefore the accused will be the final authority to pass judgment.

CONGRESS MENTALITY IN FOCUS

A mention of the matters set out below would seem to be perhaps out of place in this Report, but is necessary to bring the mentality of the Congress High Command into focus and it will serve as an exposure of the inner working of the Congress mind. The Congress Provincial Governments take their orders from the High Command, shape their actions to suit its attitude and their local officers and the police follow suit, adopting [*sic.*] their actions to the attitude of the Fascist High Command. We Muslims had seen the results of such enquiries. We remember that Mr. Shareef a Muslim and at one time a Congress Minister of the Central Provinces had ordered the release of a Muslim offender and remitted a small portion of his sentence. An enquiry into his conduct was ordered by Congress High Command to be held by an ex-judge of the Calcutta High Court, Sir Manmatho Nath Mukarjee. I saw a report of his findings (and am speaking purely from memory) in which he said that M. Shareef had committed "an indiscretion"[,]

that he was perfectly justified in remitting the sentence, that it was constitutionally correct for him to have done so, that it was a matter within his department and that he was justified in not consulting his colleagues. This report of Sir Manmatho Nath was pigeon-holed by the Congress High Command which dismissed Mr. Shareef from office. With the memory surcharged with the recollection of such injustice as this the Muslims could not possibly take such risks and Mr. Jinnah naturally having brought these oppression on Muslims in Congress Governed Provinces to the notice of His Excellency the Viceroy left the matter in his hands.

Let us consider for a moment some other matters by way of contrast to this picture. In the same Central Province, these same Congress Ministers withdrew all the cases against 34 Hindus of murders of Muslims, against all the protests of the Muslims of that Province. There was not a word of condemnation by the same Congress High Command to this gross injustice to so many Muslims which thus tacitly gave its approval. There was this difference in these two cases, in one a Muslim Minister was concerned in the other the Hindu Prime Minister both of the same Province and there was a further difference that in the last case, the Muslims were the sufferers. It may be noted that in the C.P. there are only 124,463 Muslims as against 5,096,431 Hindus. These facts are merely brought to show the partisan attitude of the Congress High Command.

Again let us look at another connected picture. In Bihar a large number of supposed Political prisoners have been released from imprisonment, punished as they were for long terms one of these men had been convicted of several brutal murders and another was punished for murdering an old woman and in both cases from motives of personal gain. These cases were as far removed from politics as the Sun is from the Moon. The Congress High Command again condones. Thus [it] tacitly approves of murders. That these were political crimes, can only be on the very violent and prepcstuous assumption that these loots resulting in murders went to several Congress Party Funds.

These few instances given above have been brought out pointedly for the mere purpose of showing that the various local Government officials and the police see which way the wind is blowing and whether to gain favour or fear of victimisation, consciously or unconsciously, they shape their attitude and tune their course of conduct accordingly, so they have refused to proceed against murderers, shut their eyes to

grievous assaults, lootings, demolition and desecration of mosques,—the list is a heart-rending one-committed before their eyes. Is it surprising that the Muslims expect no justice from such a High Command and such Congress Ministers?

INTERFERENCE IN COMMUNAL MATTER BY CONGRESS LOCAL OFFICIALS

One matter which has been extremely conspicuous in all the several communal riots and troubles that have taken place in this province in an epidemic form since the advent of the Congress Government, is the interference by the local Congress officials with the work of the local Government officials and the police. In these matters they have often been in the fore-front and have taken a leading part in these communal troubles, generally fomenting them and almost always interfering with the officials and the police during the course of their investigations before and after, and in a large number of cases have been actual participants in these troubles. We are not aware whether a circular was sent by the Congress Government of Bihar to their local officials to take the assistance of the local Congress officials whenever there was communal troubles within the jurisdiction of the former, as was done by the Congress Government in the United Provinces. But I have before me a cutting from the "Indian Nation" of the 25th of November, 1939 in which the following words occur "We are reminded.............. ....that as soon as the Congress took office, the High Command had made it known that Congressmen should interest themselves in local grievances, should enquire into them and should strive to bring them to the notice of the Congress ministers. We are also reminded of the fact that a number of Congressmen took these instructions over-seriously and to such an extent that the usual official machinery in a sense stood superseded and local enquiries and reports by Congressmen and direct approach to ministers became the rule". We do not vouch for the correctness of this, but it seems to be correct and this alone can account for the undue interference by Congress local officials with the investigations of communal cases by the local officials and the police.

In this connection it will be relevant to set out a statement of his Lordship, the Chief Justice of the Patna High Court reported in the Patna Weekly Notes of April 17th and 24th, 1939. I am omitting certain portions which are not necessary for this report.

STATEMENT OF HIS LORDSHIP THE CHIEF JUSTICE

'Before we take up the day's work, there is one matter to which I should like to refer.

"A few days ago I received a letter from a gentleman who describes himself as the Secretary of a certain Thana Congress Committee. In that letter he states that a case had been decided by the learned District Judge of his district and that that case is pending before this Court.

"Ha then says :—

"I have come to know the facts after taking statements from about three hundred men of different villages.

"He then sets out the facts as he believes them to be, and he has asked me to take action by sending somebody down to the district to verify these facts.

"From the tone of the letter I am perfectly satisfied that this gentleman has written to me in ignorance of the true position. I do not think that he has realised that in addressing me as head of the judiciary of this court, he is doing something which might tend to interfere with the due course of justice. If I was one of the judges hearing this appeal, this letter would undoubtedly tend to influence my mind. Had I thought that this letter was written with the intention of influencing my mind in the decision of the case, I should have unhesitatingly issued a rule calling upon the writer to show cause why he should not be committed for contempt; but, as I say, I am satisfied that the writer had no such intention.

"I want to make it quite clear that no one in this province has the right to address a judge of this court or any of the lower courts concerning a case which is pending in a particular court. Any communication of that kind is one which must tend to interfere with the course of justice. No judge is entitled to take into consideration any fact except facts which are proved in evidence before him. In this Court Judges hearing appeals can only take into consideration the evidence on the record. This is the first case in my experience which has occurred in this Province, and I trust that after this statement no further communications of this kind will be sent to me or to any judge of this court or to any judge of the lower courts. This court will have to decide this appeal upon the evidence which is on the record, and no communication of this kind can be sent to it. I sincerely trust that everyone will realise that it is a serious offence to write or make any com-

munication to a Judge of this court or of any other court relating to a matter which is before that particular Judge in his judicial capacity.

"No one however should make any communication to me in my judicial capacity concerning a case which is pending in the court. As I have stated, the writer of this letter seems to have thought that he could write to me concerning this case in much the same way as he could write to me concerning some administrative matter.

"In future if any communications of this kind are received in this court, I wish it to be clearly understood that appropriate proceedings will be taken to bring the writer before the court and to punish him if it is found that the communication amounts to a contempt."

If this Congress official and worker, had the courage to write to the highest Judicial officer in the province from whom he received his deserved censure, one can imagine the amount of interference there may have been in these communal matters by communal minded Congress officials and workers in the trial of cases in the subordinate courts and the investigations by the lower police officials. There is ample material in this Report to show the communal bias and partially in matter were Muslims have been oppressed. Gross cases of injustice have been done and justice has been considerably vitiated as a result of interference from those who should have had no concern with these matters.

STATEMENT OF MR. ACHARYA KRIPALANI, THE SECRETARY OF THE ALL INDIA CONGRESS COMMITTEE

This statement was published in the *Searchlight* of August 15th, 1939. It is referred to in this Report as besides being interesting reading, it is in a somewhat veiled and vague language and though it is necessary at times to read between the lines to get at the real meaning, sets out completely the ideas which move the Congress mind. It says in effect that Mr. Gandhi is trying not so much for a political revolution in this country as "a spiritual revolution", that his whole programme is based upon a distinct ideology, that he seeks to change the values of life and usher in a new epoch in history. It says further that in order to be a good citizen of India and a good Congressman the Gandhian ideology, psychology and his

view of religion must be accepted. The whole scheme of life with all its basic principles in India must be moulded in accordance with this Gandhian ideology. Moral realities must be accepted as understood by Mr. Gandhi and the Muslim members of the Congress without this revolutionary change in their mentality would be a worse problem within the Congress organization than they are outside. There is much more of the same enunciation of such principles in the rest of the statement. The result therefore is that unless the aims [*sic.*] of Mr. Gandhi, steeped as it is in the Vedic philosophy, as Mr. Gandhi understands it, is accepted by the Indians, Hindus and Muslims alike, there is according to Mr. Gandhi no hope for India. There has been an instance already in India where a picture of Mr. Gandhi has been put up on [a] wall in a school and Muslim boys were asked to worship it. The object seems to be to convert all persons to such ideas, even the Muslims must accept his doctrine of "Ahimsa" (Non-violence) which is against all accepted principles of Islam which permits violence and retaliation in certain circumstances "in an equal measure" to an evil committed against the Muslims, although forgiveness in social and private matters is preferable, in matters of religion however there is no such permission. For the Muslims to accept or in order that the Muslims may accept this doctrine of "Ahimsa" or Mr. Gandhi's doctrine of the loin cloth or his other Vedic ideas, they must change their religion. This the Muslim will do under no circumstances. We Muslims as Muslim cannot subscrible to this principle. Mr. Gandhi's aim seems to be that the Muslims must change these basic and fundamental ideals of their religion which they can only do, on ceasing to be a Muslim which God, forbid, can never be.

Pandit Jawahir Lal in his autobiography says that he has not been able to understand many decisions arrived at by Mr. Gandhi and that he has disagreed with many such decisions, that Mr. Gandhi's decisions are not arrived at on any process of reasoning, they cannot be explained on any rationalistic basis and that at times they even seem to be devoid of logic, that he arrives at such decisions instinctively and intuitively. Thus it is purely a matter of faith. The Pandit says further that Mr. Gandhi has a wonderful insight into mob psychology, that he has his hands on the pulse of ignorant and superstitious Hindu masses that he knows that these Hindu masses are essentially religious, as they understand their religion, that they are extremely credulous, easily taken in by the spectacular and easily begin to venerate something which is out of

the ordinary. It is undeniable that Mr. Gandhi has these gifts and has times and again taken advantage of them. This accounts for his consistent attempts to remain in the limelight by his periodical "fasts unto death". Mr. Gandhi began with a pose. He became a religious reformer, ' a spiritual revolutionary" as Mr. Kripalani says. As a result of this pose, he became a Mahatma, then an Avatar even ' an Incarnation of Vishnu" as a misguided Muslim Minister, Dr. Syed Mahmud of the Bihar Congress Ministry said at the Tripuri Congress sessions as reported in the Press. "Mr. Gandhi is a God whom we worship" [was] said by Mr. Sri Krishna Sinha, ex-Prime Minister of Bihar. The Tragedy of Mr. Gandhi has been that he began with a pose to catch the eyes of the Hindu superstitious masses and has ended by becoming a victim and a dupe of his own pose. Thus we get the Gandhian ideology, psychology and religious philosophy and it is these things that are being forced on the Muslims.

It is with a view to bring [*sic.*] about this fundamental change in the psychology of the Muslims that the Wardha Scheme has been evolved by Mr. Gandhi.

WARDHA SCHEME

Mr. Gandhi has prepared the above scheme and Mr. Gandhi is a person who has been naturally gifted with skill to prepare schemes. He has prepared the Wardha Scheme and with this has come the Vidya Mandir Scheme. He is perhaps banking upon the slow and insidious poison of this scheme, with its elimination of religion from education. According to this scheme, text-books will be prepared, teachers will be specially trained to teach these text-books and in these text-books reference will naturally be made to Hindu History, to the story of the Mahabharat, the Ramayan, the Bhagwat Gita, the Vedas, to Ram and Krishna, to the Goddess of Learning Saraswati, and may be also to the latest Avatar, "Mahatma Gandhi," but in them there will be little or no reference and if so, only a nominal one, to Allah and His Prophet Mohammad as they form no part of Indian History. Mr. Gandhi as already said above, relying upon the slow poison of this Wardha Scheme, hopes to sap and undermine the very foundations of the Muslim community, and in course of time and ultimately to destroy the very vestiges of Islam in this country. But Mr. Gandhi seems to be overreaching himself, he is counting without God, who has before this, frustrated and destroyed "the best-laid schemes of mice and men." Long

before this Wardha and Vidya Mandir Schemes bear fruit, much will have happened in India.

The danger of this Scheme is that if it is accepted and forced down the unwilling throats of Muslims in India, the Muslim religion language, culture, ideology and psychology will be radically changed changed completely out of recognition. It is for this reason that the All-India Muslim League, the All-India Mohammadan Educational Conference and all Muslim public bodies, political and religious, even the Jamiatul-Ulema, have strongly condemned the Wardha Scheme and its application to the Muslims of India. Certain books drawn up under the aegis of the Wardha Scheme have already been prepared in Urdu and will be taught to Muslim and Hindu boys and will culminate eventually in the ceasing of Muslims as Muslims. This scheme has also been followed up by Scheme of compulsory primary education for boys from 6 to 12 and there these books will be taught. This last Scheme has already been put into effect in certain parts of India and several districts of this Province. The Wardha Scheme is unacceptable to the Muslims and they will not submit to it.

A detailed criticism of the Wardha Scheme and an alternative Scheme is in process of preparation by the All-India Muslim League. Various Provincial League committees have also been constituted for the preparation of such criticism and scheme. It is unnecessary therefore in the circumstances to say anything further in this Report regarding this baneful, a pernicious scheme, which the Muslims will fight to the last ditch to resist, to destroy it and prevent its application to Muslims.

GLUT OF NEW HINDU PROCESSION[S]

A special feature during the last two years has been a glut of Hindu processions which are now being taken out, at all seasons of the year, and on every conceivable occasion. A very large number, as will appear from a perusal of this Report, have been new processions in regard to which there has been no custom in the particular place. Upon a careful study and a clear analysis of the Government's Policy with regard to music before mosques and cow sacrifice, as set out on pages 7, 8 and 9 of the "Behar Government's reply to Muslim League committee allegations", it will be found that its principles as stated on paper are as follows:

(*a*) "Protection is given by Government to established customary processions.

(*b*) District officers have been instructed to discourage taking out of

new processions.

(*c*) Community in majority should not be allowed to impose its will on a community in minority.

(*d*) District officers are free and have full discretionary powers, without any interference by Government, to deal with each situation as it arises locally and to adopt such measures as may be deemed necessary for the maintenance of Law and Order.

(*e*) Hindu processions must stop music before all mosques.

(*f*) New Hindu processions should not be allowed and if allowed not to pass on roads where mosques stand".

It will be seen however that while, in innumerable cases, new processions for which there has been no custom have been permitted by the Government and in some cases against the expressed orders of the local District Magistrates or S.D.Os. with the direct permission of the Congress Government through this or that Parliamentary Secretary of theirs, who have gone to the District concerned and oraly passed orders overriding the considered, deliberate and distinct written orders of the District officials in whose complete discretion the matter should have rested, and permitted the taking [out] of new processions against custom, for example at Bhagalpur where Mr. Krishnaballabh Sahay, the Parliamentary Secretary of the Ex-Prime Minister, and at Bagaha where Mr. Jagat Narain Lal, the Parliamentary Secretary of the Ex-Minister of Finance gave oral orders for such processions. This latter gentleman actually went to Bagaha, countermanded the written orders of the District Magistrate who had prescribed a particular route for the procession, orally altered this route, personally stood there while the procession consisting of 40 to 50 thousand people was passing the mosque, blowing conch-shells in front of the mosque, playing other musics and shouting offensive slogans. This Parliamentary Secretary saw to it, that the Muslims were over-awed and rendered helpless to protect themselves by having gun-muzzles pointed at them. The District Magistrates in these two above places when asked by the Ministers to give written orders to permit the procession in their respective districts, refused to permit the procession unless they had written authority. This written authority was refused at Bhagalpur and in both the above mentioned cases the oral orders of these above-mentioned Parliamentary Secretaries was [*sic.*] carried into effect over heads of the local district officials. At Gaya also in January or February 1939 oral orders

were received by the District Magistrate of Gaya, that he should grant a license for the taking out of a Mahabiri Jhanda procession there. This European District Magistrate refused to accept such orders, said that he would not be able to take the responsibility for the preservation of peace a breach of which was bound to occur, that the Government should first transfer him from the place before such procession could be taken out. Needless to say that owing to such a strong attitude of the District Magistrate no further pressure was put on him and no procession was taken out. There have been a large number of new processions taken out against custom in several places. This is how the Congress Government carries out its declared and considered policy when it is a question of placating the Hindus and submission by the Government to the tyranny of disorderly mobs. Of course the Muslims have always been in these cases subjected to the vile oppressions of these unruly mobs. No action has ever been taken by the Government against these disorder y mobs, deliberately bent on a defiance of the law and defiance of authority. Cow-sacrifice on the other hand has never been permitted to the Muslims when there has been no custom and in some cases also as at Manjhaul even when there was custom, as transpired in evidence during the prosecution of certain Muslims for sacrificing a cow in defiance of an order of the S. D. O. under Section 144 Cr. P. C. It appeared in evidence, both oral and documentary adduced on behalf of the Muslims that they have been sacrificing cows in the village on the occasion of Bakrid from time immemorial. Thus it is apparent that in this matter also the Government departed from its own considered policy, of course the difference was that this breach of its declared policy tended to the oppression of the Muslims. The Congress High Command says that they want democracy for India which means the rule of the majority. The Muslims have had in the Province, during the last 27 months evidence of "democracy in action" as it will be. It is interesting to quote here a certain passage from a statement by Mr. Gandhi in the *Harijan*, reported in the *Indian Nation* of the 24th of October, 1939 :

"Paradoxical as it may appear it is literally true that the so-called minorities' fear, has some basis only so long as the weak majority has the backing of British bayonets to enable it to play at democracy".

In all matters of communal trouble, Congressmen and Mahasabhites have acted in combination and in alliance, one with the

other, and thus Mr. Jinnah says in his reply to Mr. Gandhi as reported in the *Searchlight* of the 15th November 1939 :

"The Congress is a Hindu body. It is the same coin with the same stamp on the one side of Hindu Mahasabha and on the other that of the Congress and what one speaks out openly the other practises. We are determined to fight and fight to the last ditch for the rights to which we are entitled in spite [*sic.*] of the British or the Congress. We do not depend upon any body".

BANDE-MATRAM AND CONGRESS FLAG HOISTING

These two have been very fruitful sources of communal troubles in Bihar during the 27 months of Congress Rule and the consequent oppressions, grievous assaults on Muslims generally, including little boys as at Gaya town and in one case an attempted assault on a Muslim Headmaster, assault on a Muslim assistant master and damage to school furniture as at Jahanabad, a Sub-division of Gaya. It is almost now superfluous to say no action against the Hindus was taken. All these troubles and communal riots over the singing of Bande-Matram and the hoisting of the Congress flag in public educational institutions was due to the want of a declared policy by the Government which left the decision of these matters in the hands of the head of the institutions concerned. Behind this want of a policy, mischief and mala-fides lurked, based on a misconception of the Muslim mind that it would submit to anything in which there was an odour—even though seemingly imperceptible—of idolatry and in Bande-Matram the odour was perfectly perceptible, and even on a charitable view, the basis of such order relating to this song, was a policy of shirk. The Government has, however, now after 27 months of rioting over these two matters, only about three weeks before its resignation issued a Press Note and has at last declared its policy as published in the *Indian Nation* of the 10th October, 1939 in respect of these two baneful causes of trouble, and tyranny.

If only this policy had been declared by the Government in the early stage of its advent to power in this province, a great deal of unnecessary bloodshed of innocent Hindus and Muslims would have been absolutely avoided. For the ruin and the misery that has taken place in so many places over these two matters the Congress Ministry is wholly responsible.

CERTAIN CONSPICUOUS FEATURES

A common and conspicuous feature in almost all the communal cases and the various communal riots that have taken place, is that it will be invariably found that there have been no assault [*sic.*] on Hindus in any locality in which the Muslims are in a majority and it is an equally conspicuous feature that the assaults on Muslims have generally taken place in the localities where the Hindus are in majority. This is an illustration of toleration of which we, Muslims, are proud. The riots at Bhagalpur in 1938 and in Gaya in May, 1939 illustrate the above facts. It will also be seen that no fresh demands of any kind have been made by the Muslims anywhere. That there has never been any aggression by the Muslims [*sic.*]. It will also be apparent upon a perusal of this Report that it is only in such villages in which the Muslims are in a very negligible minority, that large crowds consisting of 10, 15, 40 and even 50 thousand Hindus have collected and have tyrannised over the helpless Muslims. Another feature will also be noticed that almost invariably, no action of any kind has been taken against these Hindu mobs. No arrests have been made, no prosecutions have been ordered and the poor Muslims have been left completely at the mercy of these unruly mobs deliberately bent upon a defiance of law and often of Authority. These mobs have always had complete immunity from punishments at the hands of this partisan Government. Still another feature noticeable is, that in those villages where there is not such great disparate [*sic.*] between the number of the Hindus and Muslims there has not been much trouble and never has there been any trouble in any village, where the Muslims predominate. These facts speak volumes. The Muslims have exercised immense restraint in all cases and that but for this excellent attitude of the Muslims generally, there would have been more bloodshed.

If the reports of the local communal Hindu Press of communal trouble is [*sic.*] seen, it will be found that in the course of these 27 months, the Muslims have never been in the right and the Hindus have never been in the wrong. It is thus very refreshing and heartening to find, that immediately after the Congress Government resigned office, almost within a day or two, or at most within a week, a sudden change has taken place. Within the first week of the new Government taking office, three communal cases have taken place in three outlying villages, where again large Hindu mobs collected as

usual in such places. We now find for the first time during the whole of these 2½ years as the Government Press Note shows that these Hindus were the aggressors. Arrests have been made in all the three cases, prosecutions have been ordered. This is the first time that Hindus have been declared aggressors during the 2½ years. As news travels very slowly to the outlying villages in this province, the poor misguided Hindu villagers do not yet know of the immense change that has taken place, they still seem to think that Ramraj exists in this province. They will soon realize, we hope that this blight of Ramraj has at least for a little while been removed from over Muslims' heads. It will give a slight indication of the partiality of the Congress Ministers in these communal matters, if by way of a side-light a statement of the writer of this report published in the *Indian Nation* of the 26th November, 1939 is set out:

'There is a report published in a section of the press that the Congress Ministers of Bihar had sanctioned a sum aggregating Rs. 18,000 for sanitation for the exhibition to be held at Ramg rh and to the Reception Committee organising the Congress session at Ramgarh. It is further reported that these orders of the ex-Ministers have been cancelled by the Present Government."

"By way of contrast to this, I have incidentally to inform the public through your esteemed paper that I, as the Secretary of the Reception Committee of the All-India Muslim League session held at Patna in December, 1938, was called upon and had to pay a sum of Rs. 24 as rent for the Government Khas Mahal l nd and in addition Rs. 15 as compensation for grazing rights, for the land on which the League Pandal was constructed."

This is an excellent example of the impartiality of the last ministry which was claimed to be a national Government.

This is a matter which is trifling in comparison with the wholesale oppressions of the Muslims in the various outlying villages that have taken place during the Congress regime, but it is little insignificant actions taken unthinkingly and spontaneously upon the spur of the moment that give an indication of the inner mind of a person and not the big actions of life taken with due deliberation and considerable fore-thought. This little side-light tells us plainly which way the wind was blowing and is a pointer to the groove in which the Congress mind moves.

MUSLIMS IN GOVERNMENT SERVICES

It is proposed later to give a separate chapter on this subject. It is extremely difficult, almost impossible, for a non-official body such as this is, to obtain correct and reliable materials on this subject. The persons who may be in a position to supply such materials can not do so for fear of reprisals and victimisation. Certain figures however have been obtained from non-official sources and will be dealt with in this Report showing the disparity in the matter of appointments of Muslims and non-Muslims. It has been found during the Congress regime that services to Muslims have been often given to them, in accordance with certain political views. It may be said that naturally the Congress Government can only appoint Muslims whose political views are in sympathy with that of the Congress. But speaking from the point of view of justice, Government services should be given to the most efficient and qualified Muslims irrespective of their political views. As said above it is well nigh impossible to obtain correct figures. The writer has however certain documents before him from which it would appear that political views have been taken into consideration in appointments to the newly created Rural Development Department. Certain allegations appeared in the papers that Pandit Prajapati Misra, the Chief Organizer of the Rural Development Department, who it now appears is also the President of the Champaran District Congress Committee, a member of the Bihar Provincial Congress Committee and also a member of the All-India Congress Committee had put certain questions to candidates who applied to him for posts in this Department and were asked certain questions in order to get at their political views. In a "Rejoinder" to these complaints, Pandit Prajapati Misra admits having asked the Muslim candidates amongst others the following questions : "What slogan they preferred 'Bande-Matram' or 'Allah-o-Akber' ", whom they like better, Gandhi or Jinnah, "If they accepted the discipline of the Congress or Jamiatul-Ulema" and "If they were meat or beef eaters or vegetarians". (He further states in his rejoinder "this country is unfortunate enough where communal feelings are so high on occasions and it is the noncommunal aspect of the Congress and the teachings of Mahatma Gandhi which must have appealed to me and guided me as Rural Development Officer under the present Congress Government"). These questions were asked of the Muslim candidates only. The Hindu candidates were asked, as

he says, questions on "Untouchability, Inter-dining, Shuddhi etc." The nature of these separate sets of questions addressed to the Muslim and the Hindu candidates disclose one fact only that only such Muslims could be appointed in this Department, who satisfied the Pandit's political leanings and that only such Muslims could get posts in this Department, who were either untruthful or sold their conscience for a mass [*sic.*] of pottage. It would have been better if no Muslims had been appointed to this Department in the circumstances. It is apparent that in this Department at least, appointments of Muslims to Government services were made on a political basis. As to other appointments made by the Congress Government in other Departments, it can be but a matter of conjecture and surmise, the facts mentioned above however would seem to be a pointer. The newspapers of today announce that upon a hint being given by the present Government to Pandit Prajapati Misra that his political speeches and other political activities must cease, he is about to resign his present post. This is good news, as a Government servant with such strong political leanings is a mis-fit in Government Service.

One small incident showing direct interference by the Congress Ministers themselves in matters relating to trivial and insignificant appointment where a Muslim was concerned, needs to be brought out.

IN VILLAGE SISWA P.S. GOBINDGANJ

A Sur-Punch (Head Tax Collector) for village tax collections, was a Muslim and he had been the sur-punch for several years and had given complete satisfaction. For some reasons best known to them, the local Congress workers were dissatisfied with him. They persecuted and harassed him, got him implicated in criminal cases with the help of the local police, their underlings in which he was acquitted. In spite of this, the Congress Minister in charge of the Political Department decided that a new man must be appointed to this post. This Minister directed his Under Secretary Mr. Tandon to write as follows :

No. 3158P.

GOVERNMENT OF BIHAR POLITICAL DEPARTMENT

From

P.N. Tandon Esqr., I.C.S.
Under Secretary of Government

To

The District Magistrate of Champaran,

Patna the 7th September 1938.

Sir,

I am directed to refer to you to your [*sic.*] letter no C/1 dated the 24th/25th August, 1938. The Provincial Government considers that it is desirable that a change should be made in the appointment of a collecting member punch of circle VII of Gobindganj Police Station in the district of Champaran when the term of office of Maulvi Ibrahim Mian expires in December 1938 unless he is found guilty in the embezzlement charge in which case you would no doubt remove him at-once.

Submitted to D.O.	I have the honour to be
through S.D.O.	Sir,
for favour of	Your most obedient servant,
Perusal	Sd/- P. N. Tandon,
13th Sept.	Under Secretary to Govt.

"BIHAR GOVERNMENT'S REPLY TO MUSLIM LEAGUE COMMITTEE'S ALLEGATIONS"

The writer has before him a copy of the Bihar Government's reply to the Muslim League complaints of oppression of Muslims in Congress governed Provinces, as set out in the Report of the Enquiry Committee appointed by the All-India Muslim League which is known as the "Pirpore Report." The first portion of the Government reply, is headed "The activities of the Government is furthering Muslim interests." As pointed out above under the last heading it is impossible for a non-official body to obtain correct figures and statistics relating to appointments to Government services and at best it is only possible in the circumstances to refute the Government's reply on questions of principles. With this in mind the writer had prepared certain notes sometimes ago by way of reply to the Government which are as follows :

It appears that information was given to the public at Cawnpore by broadcast of the various benefits conferred by the Congress Government of Bihar upon the Muslims of this Province. The news appeared in the local papers, with very bold headlines such as "Over-representation in all departments" to Muslims.

A detailed reply is not possible to this Government catalogue of boons which they claim to have conferred upon the Muslims nor does it seem necessary, as the figures given only relate to certain services and

even these in some cases in regard to one or two districts out of 16 in the Province. Behind this lie obvious implications. If the Government were really free from blame in regard to this, a complete set of figures of all departments and relating to all places in the Province would have been naturally given. The omissions carry their own criticism.

Even in regard to the percentage of the Muslims in the services mentioned, it does not appear what the Muslim percentage is, in regard to pay and the emoluments of the services to which they have been appointed. If these had been given in the Government statement, they would have had their own tale to tell. Certain figures are before me from which it appear that in a particular department although the Musalmans have 26 p.c. of the posts in that department, from the points [*sic.*] of view of pay, it works out at an extremely small percentage about 6 or 7, proving once again that statistics are extremely deceptive.

The Government statement seems to show that the percentage of the Muslims in the various services stated, have been the special benefits conferred upon the Muslims since the Congress Government came into power. The statement would have been a true picture, if the Government had shown what the percentage of the Muslims were in these various services at the time of the previous Government (to use Mr. Gandhi's term "Satanic" Government) and whether since the Congress came to power in the Province the previous percentage has been improved upon or lessened. In the absence of such figures the Government objective seems but to distort facts.

It is a well known fact that the appointments of Muslims made by the Congress Government have in a large number of instances been made of only such persons as are their partisans without regard to efficiency and with the sole purpose of propaganda in furtherance of the Muslim-mass contact movement and with the intention of creating a split and division in the Muslim community. This seems to be their basic policy in the matter of appointments made by them. Certain names and certain appointments stand out conspicuously and are common knowledge but it would be invidious to mention and there is also a fear of victimisation of such persons as were rival candidates.

Mention has been made in the statement to grants made to various Muslim institutions but the other side of the picture has not been set out of grants made to corresponding Hindu institutions. This alone could have clearly brought out the actual percentage at which these grants work out *e.g.* mention is made of "an increased grant to the Patna

Tibbi School in order to place it on a permanent footing." Every one knows that neither the Vedic and Tibbi Schools have as far as we know not yet been placed on a permanent footing or if they have been put on a permanent footing now [*sic.*], it will be but giving effect to a previous scheme drawn up by another Government. Again the Government Press Note says that a sum of Rs. 10,000/- has been given to the weavers of Ranchi District but no mention is made of the very large amounts given to the various Khadi Bhandars and Congress Spinners Association which are intended to destroy the very foundations of the poor Muslim Weavers Community.

We would have very much liked to have had a true statement from the Government as to how many new Pathshalas have been opened and how many of the previously existing Maktabs have been abolished, since the Congress came into power, by the local bodies which are now completely dominated by the Congress. A comparative statement of the figures under the previous Government and the present one would show a peculiar state of things.

In the matter of Urdu I need only tell the Government that it is not fair to take credit for what a previous Government had done.

The next chapter in the reply gives a detailed reply to "allegations" of oppression of the Muslims. In this connection it may be said that the first volume of the Shareef Report is a complete refutation and reply to the Government's reply on this aspect of the question. *This Shareef Report although it has been before the Information Officer of the Government for several months is still unchallenged.* The cursory nature in which the Government's reply has been prepared, the nature of the enquiries which seem to have been made and the generally tainted sources from which the Government have obtained their information will be apparent from one incident. The "Pirpore Report" makes a complaint of certain incidents connected with the prevention of the Muslims from calling out the "Azan" (call to prayers) at village *Siswar* in the District of Saran. The Government reply is that "enquiries made from the District Authorities show that they never heard of such an incident." The Government gives the name of the village as *Siswan*. As a matter of fact there may be no such village. An undisputed fact is, that a civil suit was filed in connection with these incidents. It is a matter of record. It is surprising that the District Authorities never heard of such an incident, not even knowing the correct name of the village.

One portion of the Government reply is worthy of note and is as

follows :

"While the Muslims want to practise cow-sacrifice as a religious rite, Government have to recognize the hard fact that the Hindus have often been found to stake their all to protect the cow with the result that cow-sacrifice has, in this province, on many occasions, been accompanied by blood-shed and disorder. The first duty of Government is to maintain public order and peace. The Muslim population in the province, specially in the rural areas, is very sparse and widely scattered and if Government were to announce that Muslims could sacrifice cows irrespective of custom, they should also guarantee them the protection which would be necessary to enable such sacrifice to be carried out without their being attacked by large mobs of Hindus. It would not be within the power of any police force, which Government could provide, to ensure the peaceful performance of sacrifice on such a scale".

A statement by the Prime Minister, Mr. Sri Krishna Sinha declarating [*sic.*] this same policy had been made by him as early as the 7th February 1939 as appears from the official Report of the debates of the Bihar Legislative Assembly of that date which is before the writer. This speech was delivered on the occasion of the debate raised in connection with the firing at village Barara in the district of Darbhanga.

This declaration of the Government policy shows a complete bankruptcy of statesmanship and a complete admission of incompetency to govern and for a Government to say that it is unable to guarantee protection to the Muslims if they exercise their religious or civic rights, because they have no sufficient police force at their disposal, is an astounding declaration of policy. Governments are not carried on or should not be carried on with the help of the police or British bayonets. Governments are not carried on by shootings or by the use of guns. They are carried on by the fear ingrained in the public mind, that if there is a defiance of law, such guns will be used. This is enough in a well organised state. If guns and bayonets and police forces are used every now and then, the people will reach a state of desperation, will get accustomed to these shootings and employment of force and the only preventive for a breach of the peace, disorderly conduct and defiance of law and authority, will disappear. The very baneful and pernicious effect of the declaration of such a policy by this weak-kneed, if not partizan Government, has been already evidenced by the wholesale bloodshed, lootings, and arsons in all the 16 Districts of this Province mostly after the declaration of this policy by the Government. Hindu mobs have realised

that they will be immune from punishment which has generally been the case all over the province. A declaration of such a policy indirectly amounts to an incitement to the Hindu mob to defy authority and take the law into their own hands, it is like a publication and an announcement by beat of drums to robbers, thieves, dacoits, malefactors and all whom it may concern, that the Government are unable to protect particular persons who have large quantities of money in their house or are in possession of goods that the Government has not sufficient police to protect such owners in the possession of their goods. Such an announcement will amount to a declaration that the Dacoits may rob these owners and that they will be free from all punishment for such acts. The baneful effects of such an announcement can be scarcely visualised, for this will amount to an indirect incitement for such lootings. In communal matters the effect of the declaration by the Government of such a policy has been that Hindu mobs have run amok.

The Government also says on page 8 of its reply "It is further alleged (in the Pirpore Report) that cow-sacrifice has been prevented even where documentary evidence of custom at the Thana have been found to exist." Whether the Thana records show this or not, the Thana People alone are to blame. A perusal of this report relating to village Manjhaul in the District of Bhagalpur, however, will show that during the trial of certain Muslims prosecuted under section 188 I.P.C. for disobeying the order under section 144 Cr. P. C., it transpired in evidence that cow-sacrifice has been performed in this village from time immemorial, which evidence was believed by the court, as the accused was acquitted.

On page 9 of the Government's reply, the Government says that the average number of cases relating to the cow-sacrifice, in which notices under section 144 Cr. P. C. had been issued during the previous eight years was 4 per annum and that in 1938 the Magistrate had issued notices under section 144 in 5 cases. It has been set out in the first volume of the Shareef Report that the Magistrate had issued notices against the Muslims under section 144 Cr. P. C. in 16 cases in 1938 and by such orders had prevented the Muslims from exercising their civil rights. This was supported by a quotation from statement made by the Prime Minister in the local Council on the 18th of May, 1939. During the period under Report there have been very many more cases in which the Muslims have been prevented from exercising their civil and religious rights. A perusal of this Report will show the immense depredations

made on the civil and religious rights oı Muslims, who have been obstructed by large Hindu mobs from exercising their civil and religious rights such as cow-sacrifice, calling out the 'Azan' (call to prayers), for praying in their mosques for which they have been assaulted, for burying their dead in Muslim Grave-yards and in all manner of ways from exercising their various civil and religious rights.

In the first volume of the Shareef Report it had been stated on page 90 that "any state that fails to secure its people the enjoyment of their elementary right must inevitably collapse." The Congress Governments have collapsed and if and when they return they must come back with a changed mentality in regard to the preservation of the elementary rights of their subjects or else there will be civil war in the land. Loyalty is the price of the protection afforded by the state for the preservations of the civic rights of its subjects. Without this guarantee no loyalty is due. This is an elementary principle of Constitutional law. The Muslims have during these 27 months already reached a state of exasperation this was only one step previous to desperation and breaking point had already been reached [*sic.*]. The Congress Ministries have collapsed as they were bound to collapse. The protection of the subjects and the guaranteeing of their civil rights is the most important duty of the state. A British monarch lost his head on this very issue in the mid-17th century. A monarch of France and his queen were guillotined in the last decade of the 18th century on this very issue. Comparing big things with small, the Congress Governments in 8 provinces of India have committed hari-kari [*sic.*] and political suicide on this very issue and it is on this issue that the Congress has wrecked itself. Mr. Gandhi, his satelites [*sic.*] and his blind followers, who are "playing at democracy with the help of British bayonets" (as Mr. Gandhi writes) may say what they like, they may say that the Congress Ministry [*sic.*] have resigned because the British Government has not declared its war aims or has not declared the independence of India. The Congress knows that the independence of India will follow in the course, as it is enevitably [*sic.*] must, when the Hindu-Muslim question is settled and this once for all. It knows that this is the only stumbling block, this is the main and only issue which must be settled now or never, all else is mere propaganda to put the British Government in the wrong. The British are past masters in the art of politics. They know, if the Congress does not know, that the law of the jungle which prevailed in Bihar during the last two years and to which the

Congress will have us go back, must cease, this law of might is right, this tyranny of the minority by the majority must go first and immediately, before India can make any further advance. The British Government has put its fingers on the right spot. It insists on the settlement of this fundamental, crucial and all important question. The Congress desires to shirk it. It still insists on the farce of a Constituent Assembly which will consist of representatives elected on the largest possible franchise. This means a 75 p. c. majority of Hindus and a 25 p. c. minority of Muslims. Decision will be taken by the mere counting of heads, even this only on the assumption and it is a violent assumption, that all things will be clean [,] fair and above-board, that there will be no back-stairs political manoeuvrings by the Congress with all its wealth and its huge organization, to get in as a Muslim representatives [*sic.*] the Congress Muslims only who the Congress knows represent but themselves and that they have sold themselves for a mess of pottage. The Muslims so far relying on the political sagacity of the Congress and on nothing else, had hoped for some wisdom from the Congress in these communal matters and they have found the Congress steeped as it is in the Gandhian ideology and philosophy, is in communal matters, at least, politically bankrupt. The Muslims will no longer be found napping. They have been duped so far, they refuse to be any longer. This game has been played once too often. The Congress must settle this Hindu-Muslim question atonce [*sic.*]. The Congress knows that this is not a "subsidiary matter", it is not a domestic one of the Hindus and Muslims". This is not a mere subsidiary matter but a most essential matter [,] the very crux of all matters without which there can be no political advance in India. If this matter is settled, there will be no need to beg for anything from any one, and all political advance will come as a matter of course. The putting off, of this important and essential question, will, the Muslims fear, mean the issuing of another blank cheque by Mr. Gandhi to the Muslims. We remember only too well that the previous one issued by him, was so blank as even to lack a signature. The Muslims fear that the Karachi Resolution guaranteeing the political, religious, cultural and economic rights of the Muslims, will be searched and picked up from some appropriate scrap-heap in the Congress office and flung in the face of the Muslims, as has been done in the past. No, this game is played out. There has already been a complete expose

of the false claim of the Congress that it represents to [*sic.*] all sections of India. This theory has been exploded and this ghost has been laid.

SCOPE OF THE REPORT

Besides the cases appearing in this volume of the Report many cases have come before me of the oppressions by the Hindus of their Mussalman neighbours who happened in that village to be numerically in a hopeless minority, the writer has a large quantity of material of other incidents, which have been crushed [*sic.*] out of this Report for want of space. It will be seen from a perusal of this Report. that oppressions from fifteen out of the sixteen Districts of the Province have been reported. As the materials of the remaining district did not come up to the standard prescribed for them, they have been excluded from this Report. There are also cases within the personal knowledge of the writer, where the poor Mussalmans who were surrounded on all sides by the Hindus and are numerically, financially and in many other respects inferior to their Hindu neighbours, have not for fear of their lives and property, even had the courage to bring the matter to the not ice of the officials or to the local police officers. For in case they do so, firstly they can not [*sic.*] be permitted even to go to the police and secondly the consequence to them will be very disastrous at the hands of the cruel Hindus who intoxicated with the idea that the Government are theirs, are ready to commit all sorts of tyrannies upon their Mussalman neighbours with a view either to turn [*sic.*] them out or to keep [*sic.*] them as serfs under them. These poor Muslims have by force of the circumstance of the smallness of their numbers in particular villages, been compelled to submit to the various oppressions committed by disorderly Hindu mobs. The writer has deliberately excluded these cases fearing victimisation of such helpless Muslim villagers.

Part II

DISTRICT PATNA

1 : PATNA CITY SUB-DIVISION

Muslim Women Abducted by a Hindu Mob.

There have been three cases in the Patna City sub-division relating to certain Muslim women being claimed by the Hindus as Hindus.

In the first case it appears that two Muslim women one a Musammat Chamelia and second Musammat Dularia left their homes at Gaya owing to the recent communal riots that had taken place there. Both of them came to Patna on the 11th May 1939, the riots there having commenced on the 6th May 1939 and were given shelter at the house of one Ghisu Miyan in the Patna City. Next day certain Hindu Arya Samajists came to Ghisu Miyan's house and tried to persuade these women to go away with them. The women saying that they were Muslim women refused to go with them, and at 11 P.M. that same night a large number of Hindus surrounded Ghisu Miyan's house and forcibly took the two women away with them. That upon the Police being informed and coming to the place they made an enquiry on the spot and from the people in the vicinity and verified the facts mentioned above that these two women were wrongfully confined by the Hindus against their will. One Hammu Miyan who was the husband of Musammat Dularia came to Patna and hearing of this incident approached the Sub-Inspector of the Local Thana who refused to record a Saneha which was not recorded or to receive the first information report which was presented to him, that the S. I. making false promises to kept him from making complaint to the S. D. O., the husband filed a complaint before the Magistrate on the 23rd May 1939 and also made a statement on solemn affirmation before the Magistrate. This complaint was sent to the same Sub-Inspector of Police on the 24th May for investigation.

In the second case it appears that a Muslim girl of about 20 years of age had got lost in Patna City. The Secretary of the Patna Seva Samity informed the Sub-Inspector of another Thana in the jurisdiction of which the girl was found, saying that she was a Hindu girl; she was then produced before the S. D. O. of Patna City who after considerable delay expressed a doubt as to her being a major though a Doctor's

report saying she was over age was shown to him, eventually. He passed orders on the police that she should be taken out of his jurisdiction; upon protest being made she was sent to the office of the Provincial Muslim League for safe custody.

The girl was later made over to her paternal uncle and eventually to her grand-mother.

In the third case it appears that a Muslim woman of about 25 years of age who was in the service of a Muslim gentleman in the Patna City was harassed by a large number of Hindus who claimed her to be a Hindu. She was later produced before the S. D. O. of Patna City who certified that she was 20 to 25 years of age. It would seem that because the Magistrate thought that there may be some friction between the Muslims and the Hindus for her possession, as a result of which there might be a breach of the peace within his jurisdiction, he passed an order under Section 144 Cr. P. C. The police put her in a boat and wanted to leave her stranded on the other side of the Ganges, thereafter the S. D. O. permitted a Muslim gentleman to take her to his house and next day cancelled his order under the aforesaid section.

All these foregoing three instances were brought to the notice of Mr. Aziz, the President, Behar Provincial Muslim League who after seeing the connected papers and after examining the women and the various persons who would give him correct facts, was satisfied that injustice had been done to these women, to the husband of Musammat Dularia by the Police, by the very questionable attitude adopted by the S. D. O., Patna City and Hindus of the localities concerned. He wrote a letter to the then Honourable Prime Minister Mr. Srikrishna Sinha asking him to see that justice was done in these cases and pointed out to him that it was only on account of the extreme restraint exercised by the Muslims that ugly and calamitous communal riots were averted. The Prime Minister wrote back to him saying that he would see that justice was done, and sent all the connected papers to the Chief Secretary who sent them to Mr. Godbole, I. C. S. the then Commissioner of the Patna Division. It may be incidentally added it seems strange that the Prime Minister did not send the matter for enquiry to Mr. Z. Khan, I. C. S. the District Magistrate who though a Muslim was the proper person incharge of the District and [it] was within his jurisdiction that all these incidents took place. Mr. Godbole submitted a report which seems to be somewhat cursory and slipshod.

A copy of a short resume by Mr. Russel the Chief Secretary, of Mr. Godbole's

report is before me, a perusal of which shows that in the case of Musammat Dularia and Chamelia Mr. Godbole has nothing to say either against the police or the S. D. O.

The facts of this case are set out shortly in such report and I have to point out certain complaints against the S. D. O. regarding which Mr. Godbole's Report is silent.

I. The investigation of the case was placed in the hands of the very S. I. who had refused to record the Saneha of the complainant, the husband of one of the women, and who had also kept the man waiting for two days and did not accept his written F. I. R. This action of the S. D. O. was wholly unfair to the complainant, one of whose prayers was that the investigation should be made over to a Stipendiary Magistrate.

II. That another prayer of the complainant to the S. D. O. was refused by him which was that a warrant be issued for the production of his wife and that she should be brought to court and placed in such custody as the S. D. O. thought proper. The S. D. O. refused to pass this order. The S. D. O. must have known and Mr. Godbole, an experienced officer must also know, that the usual order in such cases, which is almost invariably passed, is to issue such a warrant for the production or release of the woman from the custody of those who had forcibly taken her away from the house in which she was then living, accompanied as they were by a huge crowd of about eight hundred or a thousand Hindus. At that time a statement on solemn affirmation had been made by the complainant before the S. D. O. and his facts were till then unchallenged.

III. This woman (one of them had escaped) was left in the custody of those persons who had forcibly taken possession of her, for two months from 22nd May to 20th July 1939, on which date a police report was ultimately submitted after considerable delay and many reminders. During this period it may well be imagined what coercion, force, threatenings, ill-treatment and possibly other things must have taken place. She was a Muslim woman and she had been deliberately left in the custody during the whole of this period in the possession of her Hindu captors.

IV. The complaint was dismissed by the Magistrate on the Police submitting a report declaring it "a mistake of facts". Mr. Godbole has nothing to say by way of criticism of the S. D. O. whose attitude was as indicated above.

A perusal also of the resume of the report regarding the other two cases would show that in the first case the police was to blame and in the other two cases the volunteers of the local Patna City Seva Samity who took part in the unlawful assembly when the commission of offences took place and that *in all three cases the attitude of the S. D. O. should have been the subject of severe criticism; Mr. Godbole says that in the third case alone his order was 'injudicious', for the rest there is no criticism of any kind by Mr. Godbole, this seems extremely strange.*

I am in a position to say and have the statement of the person from whose house the women in the first case were forcibly taken away and in it he says that he does not know of any enquiry of any kind by any person, having taken place after the dismissal of the complaint nor as far as his knowledge goes, were any of the Patna City witnesses examined by any one.

This would seem to show that no enquiry in its proper sense was held by Mr. Godbole, and it would appear that he got the facts for his report from the S. D. O. or such sources as the S. D. O. thought proper. It should be remembered that Mr. Aziz complaint to the Prime Minister mainly against the very persons, upon whose statement Mr. Godbole seems to have been dependent.

Therefore Mr. Godbole's enquiry was no enquiry and was but a mere white washing report. Mr. Aziz had naturally expected as Mr. Srikrishna Sinha had promised that justice and fairness would be done to the Muslims. It should be kept in mind, as Mr. Aziz says that for the very extreme restraint exercised by the Muslims in these cases, there would have been calamitous communal clashes.

These three cases show beyond doubt that even in the Capital of the Province, Muslims can be easily harassed and oppressed and laws violated by the Hindus with impunity, and that redress against such oppression is denied to them, which offences take place under the very eyes of Congress Ministers.

II. PATNA SADAR SUB-DIVISION

1. Villages Fatehpur Khadhi, P. S. Phulwari Sharif. Muslim Woman forcibly abducted by Congressmen and Husband seriously assaulted, Police partiality.

This is a village in which there are 5 or 6 Muslim houses and about 200 Hindu houses. One Buddhoo Mian tailor of this village, married a Musammat Jumaratan a resident of Gaya at the Main

Jumma Mosque at Gaya[.] Her previous name was Jitni Pasin and she had been converted to Islam about 10 or 11 years previously. This marriage took place about 7 or 8 years ago. They resided in Gaya for several years and only came to this village about 3 or 4 months previous to occurrence of these incidents.

In the 24th February, 1938, 25 Hindu Congressmen who had also taken part in the Civil Disobedience Movement some years ago, came to Buddhoo Mian's house, during his absence and telling his wife that she was a Hindu, asked her to go with them, on her refusal, saying she had been converted to Islam according to her own wish and desire and she would remain Muslim [*sic.*]. *The Hindus forcibly took possession of her steel box containing her ornaments and* 80 *rupees and dragged her with them.* She was alone at that time in her husband's house. On her husband returning and not finding her there and hearing what had happened in his absence, had lodged a first information report at the Police Station but the Police took absolutely no steps in this connection nor did they make any arrest or commenced investigation.

Buddhoo Mian had a son Abdussattar by his previous wife. He had married a Musammat Nabihun long ago she was a Hindu woman who had been converted of her own will to Islam about 17 or 18 years previous to the occurrence, which is reported. These two had resided always in this village.

On the 26th February, 1938 the above referred to Hindu Congressmen with *Lathis* and *Garasas* again came to Buddhu Mian's house and wanted forcibly to take away his daughter-in-law. On hearing a cry, Buddhoo Mian went to her rescue and protected [*sic.*] upon which he was seriously assaulted by *lathis* and *garasas.* Abdussattar then came upon the scene and went to rescue his wife. And after that the Hindus ran away leaving the woman there, subsequently some Muslims of the village also came to this place of occurrence. They took Buddhoo Mian to the Police Station and first information report was given and Buddhoo Mian was sent to the Hospital. The blood marks were found on the walls and the ground by the Secretary of the Muslim League (of the Thana) three days after the occurrence. Up-till then the police had taken no steps in the matter. On the next day the Police Sub-Inspector came, made an enquiry, submitted the report in which he stated that Musammat Jumaratan of the first incident had gone away with the Hindus of her own free will and that the incident of the 26th February, was a fabrication. On a further complaint being made against this

report and on further enquiry some accused were arrested and were proceeded against criminally and were convicted under sections 324, 448 and 333 and they were sentenced to the [*sic.*] rigorous imprisonment, some for months, some for years, and some fined. The court also found that the second incident was due to the negligence of the Police. On appeal to the Sessions Judge and High Court the conviction of all accused was upheld but their sentences somewhat reduced. The woman Musammat Jumratan of the first occurrence had been taken to the Ganga Trust a Hindu Institution at Patna where she was given in marriage to a Punjabi Hindu and was taken away by him to his home. From this place she escaped and eventually came back to this Fatehpur Khadda. She reported herself to the S. D. O. who did not proceed further in the matter as in his opinion when she escaped she should have reported herself to the police.

The police Sub Inspector has been harassing and persecuting the one Hassan Raza a local leader of the Muslim League and persecuting him by bringing false cases against him and from which offences he has been exonerated by the courts for which he was prosecuted.

II. PHULWARI SHARIF P. S. PHULWARI SHARIF

Hindu procession permitted though no custom

The Hindus of this locality made an image of Lakshmi and wanted to take out a procession which was against custom. A license for taking out of this procession though against custom was granted by the officers, the Hindus played music on the cross road in front of the Mosque, the Muslims of the village by way of protest against the granting of this license and the excesses of the Hindus closed all their shops, even refrained from using the roads [;] owing to this restraint exercised by the Muslims, nothing unfortunate happened.

III. BARH SUB-DIVISION

VILLAGE KHUSROPORE NAWADAH, P. O. FATWAH

1. Harassment of Muslims by the Hindus

A most serious situation is reported to have arisen in Village Khusropore Nawadah, Thana Fatwah by a campaign of malicious lies and false propaganda started by some mischievous and misguided Hindus against the Muslim residents of the said village, who are being unjustly blamed and vilified on a suspicion and invented story

that a Hindu boy has been murdered by the Muslims.

A Hindu boy of six or seven years of age was missing on 20th October, 1939, and his dead body was discovered near a tank on 22nd October 1939. No one was suspected to be responsible for the disappearance of the said boy when the complainant made a report at the Thana, subsequently some Hindus began to suspect one Mohammed Zoha of being concerned in the foul play. When the dead body was discovered, some Hindus infuriated their co-religionists who had collected in large numbers by saying that all the Muslim residents of the said village were responsible for the death of the said boy and the enraged mob is reported not only to have showered most filthy abuses upon the Muslims but moved towards their houses variously armed to attack them. On the intervention of some thoughtful and fairminded Hindus the mob which had moved towards the houses of Muslims desisted from committing any violence and gradually dispersed. The threat and abusive speeches and false propaganda against the Muslim residents of the said village continues and they are terror-stricken and are living in a state of fear due to the hostile attitude and activities of the misguided Hindus.

If the Muslims are to be left unprotected at the mercy of those who rely upon force and have taken the law in their own hands, there might, I fear, be massacre of innocent lives and loss of their properties. If the Hindus are allowed to continue their hostility and false propaganda, the Muslims not only of village Khusropore Nawadah may come to be molested, boycotted, and persecuted but even the Muslims of the neighbouring villages may be made to suffer only because a belated, suspicion of a foul play has fallen upon one Muslim in respect of the death of the said boy.

Assuming for a moment though the assumption would be monstrous that one or two or even all the Muslim residents conspired to murder the said boy will the authorities allow the aggrieved party and their co-religionists to punish the Muslims on the verdict of the former without any proof or investigation and choose also the form of punishment which in this case has been proposed to be a combined attack upon the lives and properties of all the supposed offenders? It was suggested to the District Magistrate by the President of the Provincial League, that in the name of law and order, justice, fairness and humanity, he should take an immediate and effective step to protect the helpless Muslims and induce some thoughtful, just and public

spirited Hindus to collect their co-religionists and explain to them that their minds have been poisoned on unfounded allegations and suspicion against the Muslims and that the utterances and action of the Hindus are illegal, unjust and tyrannical. Unless some action with strength is taken against the mischief mongers and the lies are exposed and the situation is explained to the unthinking and infuriated residents of the place, the poison which is being spread will not only pollute the atmosphere but there will very likely be a calamitous communal conflagration which can be stopped, unless it becomes too late to do so.

Upon the receipt of a report of these incidents a reply was received from the District Magistrate saying that the case was being supervised by an Assistant Superintendent of Police, that it was not a communal case, though communal feeling was aroused at the moment. A further cummunication was addressed to the District Magistrate by Mr. Aziz on the subject in which it was said "Though the case as you and all of us say is not at all a communal one a section of the people have deliberately made it so with a design to abuse, provoke, attack and persecute all the Muslim residents of village Khusropore. The Muslim residents continue to be intimidated, vilified and misrepresented. Even the relation [*sic.*] of the accused have not, I understand, out of fear of being molested and harassed applied for the Muslim accused to be released on bail.

"The suggestion I made in my former letter to remove the belief and misunderstanding on the part of the Hindus does not seem to have appealed to you. No action has been taken to remove the cases [*sic.*] of fear, which has robbed the Muslims of their sense of security. They are entirely at the mercy of the misguided Hindus. The Muslims many of whom are highly educated and respectable persons, are being vilified and threatened. They have shown extraordinary forbearance and they feel utterly helpless. I again draw your attention to the necessity of getting the leading and sensible Hindus of Khusropore or its neighbourhood and some men of the Congress also, if necessary, to address the Hindu residents of the place and tell them that the rumour started and the belief induced in their mind against the Muslims in general are absolutely unfounded. They should live as peacefully as they did before and let the case take its course."

"You may consult the Superintendent of Police and the Sub-Divisional Magistrate of Barh as to the steps which may be taken to protect the Muslims from the aggression of those who have already

poisoned the atmosphere and taken the law in their own hands and may do far worse things."

No information has been received as to the state of things at present in this village.

BARH TOWN

2. Wrongful Persecution of a Muslim League Secretary.

A zealous Muslim League Worker Maulvi Izhar Husain Hashmi of this place who is also the Assistant Secretary of Barh Sub-Divisonal Muslim League is the recipient of various threatening letters whereby his head had been demanded on a charger and has through some of the letters been ordered to give up his Muslim League activities on pain of death. Last year he was involved in a criminal case which to the noble effort of the S. D. O. Mr. Jagannathan I.C.S. ended in a withdrawal and the S. D. O. in his last order gives some indication of the undesirable activities of the "Mahabir Dal" in cooking up this case and the attempt at creating bitterness and harassment to League workers.

3. Husband and wife both Muslims both kept in the Police lock-up, husband prosecuted.

One Musalman named Ganauri Mian had many years before married a Hindu woman named Musammat Sohagia who was a convert over to Islam as she was divorced by her previous husband Iswar Mali. They both were living as husband and wife for years. This Ganauri Mian is a resident of village Bhandari where he had come on a holiday from Calcutta. After two weeks stay at home when he was returning to Calcutta with his wife (Sohagia) by the night train and had already purchased two tickets for Calcutta, some mischievous Hindus at the Railway station caught him on the plea that he was abducting a Hindu woman despite the remonstration by this man and the open admission by the woman that she was a Muslim and was his legally wedded wife for a very long time. The couple were forced to go to the police station where they were put in custody, with the result that this poor man's tickets were spoiled. The police in its usual way started the enquiry. When the woman was being sent to hospital which is only at a distance of few yards from the police station for medical examination, some Hindus attempted to snatch away the *Badhna* (thinking it to be

the sign of being a Muslim, from her hand; this attempt was obstructed by some Mohammedans for which fault a Mussalman named Asghar was arrested and put in custody. The police afraid of their co-religionists after all started a false case against this poor Mussalman who was put to the harassment of a protracted trial and exorbitant expenses of litigation which continued for 4 to 5 months and in the end the man was acquitted and the woman was declared to be wife and made over to him.

4. Muslims assaulted and a woman forcibly taken away, Police take no steps against offenders.

A Hindu prostitute of low class of the place who had given up her profession long ago and was serving as maidservant with his one Razak Mian a sanitary Jamadar of the Municipality and a resident of village Hasanchak for many years, passed once with his maidservant on the road in the morning at 7 or 8 a.m. Some mischievous Hindus who were members of the Mahabiri Dal surrounded her on the plea that Razak Mian was guilty of abducting this woman. Razak Mian stated the real fact and told those members of Mahabiri Dal that if they liked they could take the woman with her consent to whatever place they chose. This was a handle for the local Congress Commitee, and the Secretary of this Association went to the house of Razak Mian with a mob of Hindus, assaulted him and forcibly took away that woman from his house. The police in its usual way put some of the Hindus and that woman under arrest for some time and then released them without punishing any of the culprits.

5. Hindu Procession before Mosque during prayers.

On the second day of Durga Pooja *viz.* 23rd of October 1939 the procession was going round the town, it stayed just in front of the main Mosque of the town which is almost within the compound of the Police station and just at the time the "Tarawi" prayer (special Ramzan prayer) the processionists played music and other noisy instruments just in front of the Mosque simply to provoke and disturb the Muslims who were busy in their prayer. On being asked by the Mussalmans, the police officers asked the processionists to move away from the place. But the processionists did not pay any heed and rudely talked to the police officers. They refused to produce the license when asked for it by the police. These Hindu police officers did nothing and quietly

pocketed the insult heaped upon them and took no legal action against the offenders.

6. Village Pandarak, Thana Barh.

This is a village mostly populated by the Babhans. There are few Muslims, about 10 families in number and they happened to be tenants of these Babhan Landlords. There has been a custom in this village that these Muslims have been preparing Tazias on the occasion of Muharram and celebrate this festival of theirs for a long time. In this year, 1939 on the occasion of Muharram when the Muslims as usual took out the Tazias for the usual round they were obstructed and heavily pelted with stones by the Hindus populated [*sic.*] in that village, so much so that the function had to be abandoned and they took back the Tazias and they kept it at the Imambara. The infuriated mob of the Hindus not satisfied with what they had done came and broke the Tazias into pieces. The frightened Muslims were compelled to hide themselves in their houses and remain confined for the whole night and could not come out for the fear of being assaulted by the Hindus. Next day the matter was brought to the notice of the Police. An information was lodged before the local police who are all Hindus and they did not take any step. The Muslims had even moved the Superintendent of Police as a last resort but that too was futile and the grievances of these helpless Muslims remained unredressed.

7. Village Hardasbigha, P. O. Futwah.

There was an abduction case and several respectable persons were falsely implicated and were acquitted after immense harassment. In this case it will be interesting to quote a few passages from the cross-examination of the police officer which will show how a police officer conducts an investigation in the Congress regime. He depended on the assistance of the Thana Congress Secretary, Ram Autar Singh. The following is an extract from his cross-examination as recorded by the Magistrate :—

Q.—Whatever was to be asked from Israel, why did you not put questions yourself, but allowed Ramautar to do so?

A.—I thought that Congress also is an authority and there was no harm in his putting questions. I also put questions at intervals.

Q.—So you thought that Ramautar Singh being a Secretary also is an "authority".

A.—Certainly.

A.—I cannot say what will be the position if Moslem League were to come in power and so I cannot say what will be my position.

Q.—You do not wish to answer any question since you will find it difficult to be loyal to a Moslem League Government.

A.—This not correct.

IV. BIHAR SUB-DIVISION

1. Village Kathrao P. S. Asthawan

Hindus obstruct sacrifice of a goat

There are a few Muslims in this village and a large number of Hindus. During the last Bakrid a large number of Hindus tried to prevent the Muslims from sacrificing a goat. The police were informed who interfered with the result that such sacrifice was performed. Since then the Hindus have been persecuting the Muslims of the village.

2. Village Mafi, P. S. Asthawan

Before Moharram 1939, there was a general boycott of Muslims by Hindus, all sales to and purchases from Muslims were stopped. During Holi at night there were shouts of Jai from the village and 60 or 70 Hindus armed with Lathis came. The Muslims parleyed with them and not being listened to, got ready to oppose them, the Hindus therefore dispersed. One hour after about 300 armed Hindus again came and threatened to loot and kill the Muslim Leaguers. Again Muslims prepared to defend themselves. They again dispersed. A report was made to the Police by Muslims, previous to this Saneha a report was already made by the Hindus. The Police officials warned the Muslims and arrested some of them who were defending their houses and none of the Hindus who were armed and who were seen armed by the officials were arrested, nor was any action taken against them. The Police had stopped a procession from passing the Mosque but no action was taken against Hindus, who offended against this order.

3. Village Palkhi P. S. Silao.

Muslims immigrate owing to oppression of Hindus

This village consists of 5 or 6 Muslim houses and large number

of Hindu houses. On 16th April, 1939 two marriages were taking place in this village. The Hindus thought that a cow would be killed as was customary. Hundreds of Hindus of this village and outside collected. The Muslims having heard of this had put in a Saneha at the Thana. At the [*sic.*] night the Hindus attacked the Muslims and set fire to two Muslim houses and rushed into the house where the marriage was to take place.

The police arrived. Hindus ran away by scaling the walls. Some shoes left behind, were made over by the police to owners who though evidently identified were not arrested. Although cows had been killed from time immemorial, the officials stopped killing of cows even for these marriages. No action was taken or arrests made by the police or officials against the Hindus. This has encouraged them, and the Muslims being few are cowed, so much so that some Muslims have immigrated from this village and gone to another village.

4. Village Kamrina P. S. Silao

Azan (call to Prayers) stopped.
Mahabiri Flag Put on a Muslim Graveyard.
No Police Action.

Hindus stopped Muezzin (the caller to Muslim prayers) from going to the Mosque and calling Azan, and they ridiculed the Azan. Later the Hindus induced lower class Hindus to boycott the Muslims completely, they later put up a Mahabiri Jhanda on a burial ground. The police were informed. The S. I. of Police and the Congress Secretary of Silao Thana came and made enquiries, but up to now the flag is on the Muslim graveyard and no action of any kind has been taken by the police.

5. Village Mahkar P. S. Chandi

Muslim's House Raided. Plea that Hindu Woman was Concealed

A Hindu mob led by Babu Ram Autar Singh the Secretary of the Congress Thana Committee surrounded a Muslim's house on the plea that a Hindu woman was concealed there. The local officials were informed and came with the police. They found after the investigation and enquiries into the facts that the complaints were baseless. No arrests were made however and no legal action of any kind was taken against the offenders and the matter was dropped.

6. Village Oondah P. S. Ashthawan

Destruction of Muslim Graves in a Muslim Burial-ground.

The allegation of the Muslims of this village is that the Hindus of this village destroyed few (Pucca) graves constructed of brick and mortar in a graveyard and tied cattle on the graveyard. A case against the accused is pending. No communal trouble took place in the village due mainly to the restraint exercised by the Muslims. While this case was pending they destroyed the wire fencing (which was buttressed with pillars) of another graveyard in this village. The police were again informed. No arrests were made and no action of any kind has been taken against these offenders for this fresh offence. The Hindus are also persecuting the Muslim villagers in various ways causing them extreme harassment.

7. Village Karai Parsrai P. S. Hilsa

Cattle Market Looted by Hindus. Muslim Butchers Assaulted inside their houses and cattle taken away.

Certain Hindus of this village and outside entered a very old buffalo and cattle 'hat' (Public Market) belonging to some Muslims in this village with Congress Flags, shouting Congress slogan such as "Gandhiji ki Jai" and drove away several heads of cows and other animals which were purchased by the butchers from the market. This mob entered the houses of several local butchers and assaulted two of them and drove away several heads of cattle. The writer personally saw the severe wounds of these men, one of whom even on the next day was in a dazed condition. A report was made to the police by the injured butchers who had been wounded and others whose cattle were driven away. No Saneha was recorded by the police. The Sub-Inspector had also received a report of the looting at the 'hat' from one of the owners. The police made investigations, selected witnesses in support of prosecution case and sent up certain accused for trial in the cattle market (hat) looting case. No action was taken by the police in the other cases. All the accused were acquitted excepting two who also were acquitted on appeal.

8. Village Salehpur P. S. Chandi

Muslim Cattle-market Looted.

In this village there was a cattle 'Hat' which market belonged to the Muslims of the village. The Hindus with Congress Flags shouting

Congress slogans such as "Gandhiji ki Jai" entered the 'hat' and drove and took away some cattle. No legal action of any kind was taken against the offenders.

9. VILLAGE KATRI SARAI P. S. GIRIAK

Muslim Butcher Assaulted for Selling Beef.

A butcher used to come to this village from village Ugawan every 2 or 3 days to sell beef. On 29-8-1939 while he was returning, he was assaulted by certain Hindus. The S. I. Police who had come to the Post Office and happened to be in the village made enquiries, took the thumb impression of the Muslims, promised that another route would be prescribed for the butcher but took no action against the Hindu offenders and the matter has been left at that.

10. VILLAGE KONAND P. S. ASTHAWAN

Communal Riots

Village Konand is situated within the Sub-Division of Bihar Sharif, District Patna and is at a distance of 12 miles from the head-quarters and is connected up to 7th mile with a metalled road, further portion of this road becomes unfit for vehicular traffic in the rainy season and unfair weather. The village is a fairly big one and inhabited by about hundred families the majority of whom are zamindars by profession and hold zamindari yielding considerable annual income. They are educated and many of them are graduates and lawyers and hence the vast bulk of them remain outside the village on account of their professional careers. The Hindus on the other hand who form the majority are mostly cultivators under the landlords of the village and are not educated.

There was very good relationship between the two communities till recently. The Hindus of the village were not left unaffected by the virulent propaganda carried on by the Mahasabhites and Congress Hindus. Feeling became bitter every day till they culminated in serious riots that occurred on the 16th August 1938.

There is an old slaughter house on the south east of the village in which animals are being slaughtered twice or thrice a week by the butchers of Maksoodpur. This practice is in vogue for at least 25 years and in proof of which if the earth of the slaughter house be dug out, old bones and other things will be found there and in the vicinity.

On the east of the slaughter house there is a graveyard of the

Muslims and on the west of it are the houses belonging to Muslims, while on the north of it is a mosque and on the south of it there is a lane and a ditch.

On Saturday (13-8-1938) Saroopi Dusadh, Ram Kishun Singh, Parmeshwar Barhi, Narain Gope, Lali Gope and others about 15 in number approached some of the Muslims of the village and asked them that the slaughter house required repairs and that it should be repaired on the ground that it was exposed to the public view[,] though the inside of it is invisible from the outside yet the Muslims agreed to do repairs and even to roof the room and verandah. The Chamars were given the contract for the repairs but they were forced and influenced by others *i.e.* Hindus of the village to give up the work.

Failing this arrangement some of the Muslims Hafiz Noor Khan, Dargahi, Emaman, and some others on 16-8-1938 began to repair the wall of the slaughter house and the major portion of the roof of the room and the verandah was finished. While the repairs were going on Chamari Kassab of village Maksoodpur was coming with a cow as usual. A mob of about 400 to 500 Hindus variously armed with garasa, talwar, lathis had gathered in the graveyard to the east of the Slaughter House and began to cry "Mahabir ki jai" and showed determination to do mischief. The cries attracted some Muslims about 20 in number including the Muslims who were repairing the Slaughter House.

The Hindu mob on the order of Ram Kishun Singh rushed towards Chamari Kassab to snatch away the cow and wanted to assault him when some of the Muslims of the place who had reached the spot on hearing the "Halla" ran to save him. The Hindu mob on the orders of Ram Kishun Singh began to assault the Muslims with the result that Hafiz Halim, Hafiz Noor Khan, Maulana Rafiquddin, Abdul Matin, Dargahi Mian and Abdul Shah sustained injuries. After the occurrence the Hindus who had come from other villages surrounded the village and no Muslim was permitted to go out nor could any one dare go out.

On 17-8-1938 the S. I. Asthawan accompanied by other officers were approached by the Muslims and gave their statement but they were reprimanded and ordered to bear in mind that they were accused.

In spite of the facts that Hafiz Abdul Halim gave out his statements in full, it [*sic.*] was not recorded and it was learnt that F. I. R. against one unknown person was drawn up by S. I. and final report had been submitted by him.

The unsympathetic attitude of the officials can well be judged from the fact that Hafiz Halim who has sustained grievous injuries and others who had similar injuries surrendered before the Police at Konand on 17-8-1938 and immediately they were sent to Asthawan where they were detained for the night and were given no medical aid although there is a District Board Hospital there.

On the 18th of August too when they were sent on to Bihar and reached there at 8 a.m. they were not given any medical relief till about 3 p.m. after the bail petition was rejected by the S. D. O. of Bihar Sharif.

Abdul Shah whose condition was growing from bad to worse every moment, was not allowed even to remain as an indoor patient in the Hospital and was sent to Jail where he subsequently died of his injuries after having been removed to Hospital on 19th August when he was practically dying. Over and above this fact, the precarious condition of several of the injured persons was made known to the S. D. O. Bihar by the lawyers engaged but the S. D. O. did not listen to any of them. Hafiz Abdul Halim was released by the Session Court only on 24-9-1938. It has been learnt that the Police has not submitted charge sheet in the case and that it has acted most unsympathetically and collusively.

Thereupon Hafiz Abdul Halim filed a petition of protest against the Police by way of complaint which was summarily rejected by the S. D. O. without taking any statement on oath.

Being aggrieved by and dissatisfied with the judgement of the learned Magistrate an appeal was filed before the District and Sessions Judge which has also been dismissed.

Now the position stands like this that the Hindus who killed a Muslim and inflicted injuries on several Muslims are free and the police cases against some of them that are pending are mere eye-wash.

Muslims 19 in number have been committed to Sessions on various charges including one of using fire-arms. No doubt one of them did use his gun when the situation became critical and [a] furious mob of the Hindus had fallen upon the Muslims and there was grave and serious danger of their lives being taken and property being looted. What more justification is needed for the use of such arms when we see that actually one Muslim namely Abdul Shah was so seriously injured that he died in the course of a few days.

With the ushering of Provincial Autonomy in this Province the entire atmosphere has been changed. The Muslims feel insecure as if

living in a foreign land and every Hindu thinks himself to be the ruler of the country. The rowdy element of the Hindus is encouraged by the actions of the police and the higher authorities.

Now the Hindus deny the custom of cow-slaughter and its existence in the village. Can it be seriously disputed in face of the fact that well to do Muslims in large numbers live in the village and in view of the fact that there are entries in the Thana Records to show Cow sacrifices during the "Bakrid". Moreover, if the ground of the slaughter house be dug up it will reveal the true state of facts, cow bones will be found there.

An adjournment motion was moved in the Behar Legislative Council of which notice had been given by K.B. Syed Mohammad Ismail on the 22nd August 1939 and the Honourable Finance Minister in his reply referred to the incident at village Konand and said amongst other things as follows :

"That six Hindus received gun shot injuries and sword cuts. Six Muslims also received minor injuries". It seems strange that these words are almost verbatim as that of the report of the incident in the local Congress newspaper.

The Minister says that the Muslims received minor injuries, it is remarkable that no mention was made in this reply by the learned Minister that the only person killed during the whole of these troubles was an aged Muslim and who died under the circumstances cited above.

This strange silence of the Minister upon this very important aspect of these unfortunate happenings shows the mentality of a minister of this Hindu Government. What justice was to be expected from such a Government which shows such bias. In view of such a mentality it does not seem strange that there was no arrest made of any Hindus nor was any Hindu prosecuted, on the other hand the only persons prosecuted were 19 Muslims.

It is to be kept in mind in this connection that the whole of the investigation in these matters was in the hands of the police who sent up for trial whom they thought fit and picked upon.

It has been stated above that 19 Muslims were prosecuted and committed to the Sessions in connection with these incidents.

It will be interesting in this connection to recall that while the case was being tried in the Sessions Court the following remarkable points were brought out during the course of the Cross-Examination of the S.I.

Police who had investigated the case and who had given his evidence earlier before the court of commitment. In his evidence in the Sessions Court he changed his version in examination in chief on certain points. These changes were brought out in his cross-examination from which it would appear that the prosecution case on these points were [*sic.*] altered in the Sessions Court. These admissions are :—

1. In the committing Magistrate's court he had stated "that the inside of the dilapidated house (slaughter house) could have been visible if fresh mud was removed". In the Sessions Court he says :—

"It would not be correct to say that from the southern side the inside would not be visible unless one makes an attempt to see it". He says further in cross-examination "I had discussion only with the Public Prosecutor of Patna and S. P. about the visibility of inside of the slaughter houses after my depositions before the committing Magistrate".

2. It appears from his cross-examination in the Sessions Court [that] he admits making alterations in the map prepared by him during the course of these investigations and which map is a part of his case diary; and he also admits to making corrections in the case diary. He says in the course of his cross-examination in the Sessions Court, "I made a mistake so far as plot 3157 is concerned, it ought to be 3159. In my map originally, this plot was noted as 3157 in pencil. It was later changed to 3159 in ink.

"This alteration was made after my deposition in Bihar. It was done after discussion. I cannot say, where, when, or with whom this discussion took place. This map is a part of my case diary. I made corrections in part of my diary after my deposition in the lower court." He later says, "the discussion was with my superior officers. Asthawan is not under an Inspector. The D. S. P., and the Superintendent of Police are my superior officers".

These are very damaging admissions, these show that the sanctity of the police diary was completely destroyed and it became a scrap of paper. The former admissions show that the police in order to obtain convictions of the innocent Muslims changed their case from time to time, as suited their convenience in order to obtain such convictions. Needless to say that the accused after a very long and protracted and expensive trial were all of them acquitted by the Sessions Judge upon an unanimous verdict of the jury.

Against this judgment of acquittal by the unanimous verdict of the jury—the judge agreeing, a revision application was filed before

the Hon'ble High Court by Bakhri Gope who was [the] first informant before the police. This petition which was sworn and signed on 11-8-39 was not filed till 24-8-39. Thus this petition ought to have been barred by limitation under the usual rule of sixty days. His Lordship Mr. Justice Varma issued a rule which was discharged by Mr. Justice Rowland who heard the application. It will be interesting to point out that the advocate of the petitioner in the High Court challenged in his argument the impartiality of the trying Sessions Judge as he was a Musalman, but this contention was rejected by Mr. Justice Rowland in a well-reasoned judgment. It should be pointed out here that the jury consisted of Hindus as well, and the foreman also was a Hindu gentleman. Even after such an unanimous verdict the petitioner and the persons pleading for him attacked the honesty of a Muslim I.C.S. Sessions Judge.

DISTRICT SHAHABAD

1. ARRAH TOWN

Muslim Claimed as a Hindu, Husband and Wife Detained by the Police & Harrassed.

One Mussalman, Rajabali Mian who was living with his wife in this town in the house of one Dukhan Mian and working there, was one day arrested by some Hindu Arya Samajists and a person, Ganga, on the pretext that the woman living with him was a Hindu. As a matter of fact this woman was a Muslim and her forefathers too were Mussalmans. In spite of remonstration by this Rajabali and Dukhan they were taken to the police station at about 1 p. m. The woman all along stated that she was a Mussalman and her ancestors too belonged to the same religion. At the police station this man Rajabali Mian with his wife were put in confinement. Dukhan who wanted to stand security for him was turned out, and the other Mussalman sympathisers who had accompanied the party were also excluded from the police station premises but Ganga who was a Hindu was allowed to remain. In spite of admission by the couple, of the woman being a Mussalman, the police unnecessarily detained them and they were released later in the evening after security was taken from the man.

2. VILLAGE BABHNAUL, P. S. BIKRAMGANJ

Two Muslims Murdered. Report to Police, Matter Hushed up.

A very heinous offence of murder on the 25th of May, 1939 at

midnight took place in which two Mussalmans were murdered. The relations as usual between the Hindus and Muslims were very estranged in this village from before. The first information of this occurrence was lodged at the Police Station but what shows the mentality of the police was that such a grave crime even could not see the light of the court and the matter was hushed up. Even murders go unpunished under the Congress Government, provided of course these murders are of Muslims by the Hindus, pampered as these Hindus are by this Ram Raj.

DISTRICT GAYA

1. JAHANABAD RIOTS

Moulvi Shah Qasimuddin, the Secretary, District Muslim League of Gaya has submitted the following Reports which are given in extenso :—

On hearing of the incidents and riots at Jahanabad, the then Town President of the League, Mr. A. Wahab visited Jahanabad on 21st January, 1939. In this connection and after a thorough enquiry submitted the following report :—

"He saw the Head Master of the school in question and saw the injuries on Mohammad Umar teacher and found marks of violence in the room, which was the school office. He sets out the following causes as the cause of the Riot :—

"The present Head Master was appointed in 1934 and uptil 1937 the school went on smoothly. Babu Sheonarain Verma Mokhtar, the Assistant Secretary of the school with other bigoted local Hindus did not like a Muslim Head Master and a number of Muslim teachers on the staff. Regular propaganda and efforts to fan the flame of communal hatred for more than a year has [*sic.*] been in progress and present happenings is the result of an organised plan hatched up outside the school. I doubt if the school authorities specially the Chairman who is also the S. D. O. read the "Jatan" a Hindi daily newspaper, otherwise they would have had information of the impending trouble. An article by Hirdeo Singh, Hindu boy ringleader had already appeared in that paper of 13th January, 1939 to the effect that Hindu boys had decided to sing Bande Matram in the school on and from 17th January, 1939. On 16th January 1939 a petition for permission to sing Bande Matram was handed over to the Head Master by Hirdeo Singh, Chanderman Singh and Hemchander Singh students and another petition of protest

against the intended innovation was submitted by the Muslim students. On 17-1-1939 the Head Master saw the S. D. O. Chairman and gave him the petition for singing Bande Matram which was rejected by the Chairman. This was shown to Hirdeo Singh by the Head Master who read the same and threw it with contempt and said that he was prepared to sing Bande Matram in spite of this. The Hindu boys sang Bande Matram for a long time. A written report of the incident sent by the Head Master is alleged to have been returned by the Chairman twice un-received and it remained un-received even a third time as the latter had left the station in the evening. The Head Master saw him on 18-1-1939 and reported all that had happened and informed him that serious trouble was imminent that day. Baboo Sheo Narain Lall, Assistant Secretary, and Bhairo Singh, Chairman of the local Congress committee had been there from before the Head Master's arrival. Baboo Sheo Narain Lall was asked by the S. D. O. to control the situation. On 18-1-1939 at about the commencement of the school period not only the Hindu students inside the compound armed with lathis were there but a large number of outsiders were also armed with lathis. The Muslim students being very small in number withdrew to one side but the mob advanced towards them and there were showers of brickbats. The Head Master with other teachers intervened and for a little time there was a lull. Information was sent to the S. D. O. Many students received injuries. Babu Bhairo Singh, the Congress President, was also seen in the school compound. Baboo Sheo Narain Lall arrived there but took to his heels. While Moulvi Mohammad Umair, a teacher, was persuading the boys of the two sides to go away peacefully a re-inforcement of about two hundred Hindu outsiders armed with lathis arrived from the west and the east.

The Muslim boys ran away but they were chased by the Hindu boys and the re-inforcements. Moulvi Mohammed Umair entered the office room and shut himself in. The Head Master shut himself in his family quarters. While one section of the mob was trying to break the door of Head Master's quarters, the majority of them fell upon the office room breaking partially the door panels and striking the poor teacher with their lathi points. On 19-1-1939 there were several assaults after this a panic seized the town. It appears that the Muslims of the town have been instructed by the authorities to see that no complaint is filed. Moulvi Umair and one of the victims of the mob fury, were strictly forbidden, I understand, from filing a case by the school secretary, K. B.

Mahboob Alam, a Congress Muslim.

2. KORVA RIOT

Several Muslim Houses Looted and Raided, Properties and Ornaments taken in the presence of the S. I. Police. Prayers could not be said. No sacrifice permitted.

"The President Mr. Ashique Warsi with one Saiyed Mohammed Manzoor Hussain and myself visited the place and found [that] a dozen houses of the Muslims were mercilessly looted, we were satisfied, as to this on enquiry in the presence of the Police Darogha who was a Hindu. On the first occasion the Hindus lifted forcibly a cow from the house of a Muslim by scaling the wall over the thatch of the house. They also looted the shop of one Mohammed Usman and smashed the door planks and tiles of the houses of some Muslims. Some Hindus made water in the courtyard of the village mosque. The D. S. P. deputed from Gaya made some arrests. To prevent further troubles a Hindu Sub-Inspector of Police with a small police force was stationed in the village. In spite of this the Hindus organised themselves into a well armed mob on 1-2-1939. On the morning of the Bakrid day with war cries of Mahatma Gandhi ki Jai raided the houses of twelve Muslims who were all Momins, looted the properties, removed the ornaments, clothes and the utensils and destroyed their hand-looms. The police could not control the situation. These offences were committed boldly in the presence of the police on the Muslims, neither could they say their prayers nor perform the sacrifice. On the receipt of the information the District Magistrate deputed the D. S. P., and one Magistrate next day following the Bakrid day. Mr. Ashique Warsi with Moulvi Manzoor Hussain and myself visited the village and found the Momins in a pitiable condition of poverty and pennilessness as a result of this riot.

3. HASAULI., P. S. HASUA

A Muslim of 75 assaulted and 8 or 9 others because another Muslim would not make over his sacrificial cow to Hindus.

"The officers of the League left for Hasauli on 3-2-39. But we were informed of section 144 Cr. P. C. prohibiting out-siders from visiting the village so we directly went to Nawadah Sub-division to collect detailed information. On 4-2-39 we saw the District Magistrate and secured permission to visit Hasauli which we visited on 5-2-1939 and learnt that six Muslims had been injured. The Hindu mob demand-

ed the sacrificial cows which was refused by the Muslims. Two of the Muslims who were assaulted were very old and they had received severe injuries such as fracture of the hand and breaking of head. Muslims are very small in number in this village which is surrounded by Hindu villages. At the time when the Hindu mob in many hundreds crying their war cry of "Mahatma Gandhi ki jai" raided the village there were only eight or nine Mohammedans—old and young boys included—present there. The man who has been mercilessly assaulted is aged about 75 years. This village was raided three times.

4. VILLAGE MORHANA, P. S. RAJAOLI

"On 5-2-1939 the officers of the League also visited Morhana P. S. Rajaoli 52 miles from Gaya. There are 25 houses of Paithans and 25 houses of Momins and hundred and fifty houses of the Hindus in this village which is surrounded by Hindu villages on all sides. We learnt that on 1-2-1939 morning the Hindu mob suddenly began to collect when the Muslims were making preparation for Bakrid prayers. At the time about 25 Muslims were present in the village as the rest were in Calcutta. The Police arrived at 8 a.m. and by that time about six thousands Hindus had collected, the Police failed to disperse them so the D. S. P. and some armed police had to come. Gori Baboo, a Congress Leader, and a member of Central Legislative Assembly arrived. The Muslims stated before us that he asked them to make over the cow otherwise their lives and properties and honour were in danger. But the Muslims refused saying that they were prepared to protect their right even at the cost of their lives. However, some cows were extorted. Seeing the attitude of the riotous mob the S. D. O. Nawadah ordered them to disperse otherwise he would order firing; thereafter Gori Babu went to the mob and said something and they dispersed. The Muslims could neither say prayers nor sacrifice cows that day. Here also was the same war cry of Mahatma Gandhi ki jai. On our way back to Gaya we went to Nawadah where we had to see the S. D. O. on his invitation and where Gori Babu and Dr. Wali Ahmad President Sub-Divisional Muslim League also arrived. The S. D. O. asked the gentlemen present to get the matter compromised whereupon Mr. Ashique said it was impossible without consulting Morhana Muslims to say one way or the other. Gori Babu was asked the terms on which the compromise could be effected who said in reply that in his knowledge cows were being sacrificed in Morhana for more than twenty years and it was high-

handedness on the part of the Hindus that they had made such a cruel show. We were asked by the S. D. O. to meet him on 6-2-1939, we went there accordingly but the suggested compromise failed.

5. VILLAGE MACHHIL, P. S. MAKHDUMPUR

Disturbance Due to Negligence of Police.

"This village was also raided on 1-2-1939. A few days before the occurrence the Muslims of the village, only 5 or 6 in number, informed the S. I. of Police Makhdumpur about the preparation of the Hindus but no serious note of the situation was taken and by this act of omission he allowed the disturbance to take place. Two or three Muslim houses were raided and their properties damaged. The D. M. and the S. D. O. visited the place after the occurrence. There were numerous demonstration [*sic.*] of force in many other villages but the riots were averted by the precautionary measures taken by the District Magistrate together with the grim determination of the Muslims.

6. SHAHOBIGHA SUB-DIVISION JEHANA

Riot at Jehanabad, Hindu excesses.

"On the night of the 31st March 1939 as reported by Moulvi S. Aziz President, Ghosi Muslim League, the Hindus attacked the Kerbala and demolished four domes of the Kerbala and also pucca graves of the wife of Haji Fazal Haque Azad and to [*sic.*] other pucca graves. This Kerbala is outside the Shahobigha village. At 10 a.m. the next day, he approached the S. D. O. at Jehanabad and informed him of the occurrence and the S. D. O. came with the Inspector of Police to the Police Office. The Inspector enquired of the Darogha of Ghosi whether any such Saneha was lodged by the Chaukidar who denied it. The S. D. O. with a Dafadar reached the spot and with his own eyes saw the destructions and devastations of the Kerbala and the graves. Few leading Goalas on suspicion were soon arrested. But after that the Hindus have been criminally intimidating the Muslims.

7. JEHANABAD (ON RAM NAUMI)

Hindus Procession Permitted Though No Custom. Damage to Muslim Property.

"A report sent by M. Aley Nabi, the President, is as follows :—

"This year the Hindus against custom, for the first time, took out

Ram Naumi procession. The license was refused by the Collector but the S.D.O. on his own responsibility issued it. Hindus were invited from outside in large numbers. Muslims were panicky and they closed their shops and when the Hindus could not carry out their sinister design, they steadily cut almost all the trees of the Muslim graveyard, the information of which reached the Muslims on the following morning. The Hindus falsely informed the S.D.O. that the Muslims were collecting to loot them. The Muslims realising the delicate situation wired to the District Magistrate who arrived with armed Police at 2 p. m. the same day. He inspected the place of occurrence and consoled the persecuted Muslims but as soon as the District Magistrate turned his back the innocent and poor Muslim shop keepers and labourers etc. were being indiscriminately arrested while a few Hindus for an apology were also arrested. All the officers are of the Hindu community and if any thing is intended to be done against them by the authorities, and as soon as they get information, they avoid it. One Hari, Motor Driver, is always present in the thana who is the police favourite and Hindus get all the information through him. The police entered even into the zenana portion of the houses of Muslims to arrest them without asking the women to withdraw."

8. GAYA RIOT OF 26TH JANUARY 1939

Hoisting Congress Flag on City School, Hindu Excesses.

"The following is the statement of the Secy., Gaya Town Muslim League, the truth of which I endorse. A report of this in the so called Nationalist papers "Searchlight", "Indian Nation," and other Congress papers is garbled and mischievous. The observing of Hyderabad Day and the mass meeting of the Hindus of all shades of opinion held on 22nd January 1939, with all the provocative speeches and slogans against the Muslims in general, certainly seems responsible for this riot. On 24-1-39 Shah Qasim Uddin, General Secretary, got information of the apprehension of a disturbance in connection with the hoisting of Congress flag on the school building. On 26th January 1939 in the morning he saw the District Magistrate about this and on the same morning Moulvi M. Ashique Warsi, the President, left for Hazaribagh in a communal case. At 10 a. m. the General Secretary received information of some trouble in the City School over the hoisting of the Congress Flag. He at once with M. Nasir Alam and K. B. Amirul Hassab rushed to the spot and found the gate of the school

closed against the Muslim boys while the Hindu boys were inside and the Congress Flag was flying over the school building. He learnt from the Secretary of the school who is a Hindu that a compromise had already been arrived at between the Hindu and the Muslim students on the previous day, by which it was mutually agreed that neither the Congress Flag nor the Muslim [League] flag would be hoisted on the school building. The Hindu students against the compromise had hoisted the flag before the school hour, so the Muslim students insisted on the compromise being respected or the Muslim League flag to be hoisted side by side. On being assured that the flag would be taken down, the General Secretary returned, Half an hour after, he was alarmed at the news of trouble having been started after he left and in company of M. Nasir Alam rushed to the school and on their way they saw Muslim boys with profusely bleeding heads going towards the thana. It was ascertained from some respectable citizens present outside the school that the Hindu boys insisted on the rehoisting of the flag when a Congress leader made his entrance on the scene and expressed his deep dissatisfaction and thus the Hindu boys opened assaults on the Muslim boys. Baboo Jai Prakash, President, District Congress Committee, was present there from before. The S. D. O. arrived and took the League Secretary M. Nasir Alam, Khawja Ghyas to the school room where they found Baboo Jai Prakash Narain and Baboo Mathura Prashad Advocate and Baboo Khalish and Baboo Birendra Kumar Singh M. L. A. with some other congressites and some members of the school staff in discussion. The cause of the trouble was pointed out by the Secretary of the school whereupon Baboo Jai Prakash observed that the removal of the flag amounted to National dishonour. Baboo Mathura Prashad vehemently supported this observation; the S. D. O. however said that it was time to control the situation and maintain peace. Outside the school M. Abdul Wahab, the District Magistrate and the SP were present. On the suggesion of District Magistrate they formed three batches, each batch consisting of prominent Hindus and Muslims, which proceeded to the different quarters of the town to pacify the mob and control the situation which had already got out of control. They saw disturbances in every mohalla (quarter). The Muslim wayfarers and Muslims residing in and passing through Hindu quarters regardless of sex and age were mercilessly assaulted and robbed. Showers of brick-bats were raining from the Hindu mob and their house-tops. M. Abdul Wahab, and the General Secretary and Khawja Gheyas were attacked by the Hindu mob but they narrowly

escaped. The Muslims in Hindu quarters were besieged by the rioters and had to be rescued by the authorities. It is noteworthy that the Muslims allowed the Hindu residents of their mohalla and Hindu passersby to remain unharmed. The number of the injured had swelled up to 51 before sunset. The situation was however on the next day completely brought under control through the efforts of the District Magistrate and the S. D. O. A large body of armed outsiders outside the school were Hindus. The Hindu mob which besieged the Muslim houses at Nadragunj were so violent and obstinate that they had to be dispersed by the armed police at the point of cocked rifles. Most of the injured Muslims were from the Punjab, Etawah and interior villages who had come to the town on business or sight-seeing. The riot was premeditated and they had been as it seems making preparation from before. Moulvi Mohammed Ashique Warsi, President, on the receipt of a wire from Gaya arrived at 11 p.m. and since then he was working like a machine, visiting the injured and the persons in jail, patrolling the town and helping the officers. For the restoration of the peace the League workers published an appeal which was drafted by Mr. Ashique Warsi and which was later copied and published in Hindi over the signature of the Congress leaders which had the desired effect.

9. PANCHRUKHI (COMMUNAL RIOT)

Hindu excesses against Muslims. Muslim women and others injured in presence of the Inspector of Police. No action taken against Hindus.

"The news of the communal riot which occurred at village Panchrukhi Dist. Gaya on 12th June 1939 at about 8 a.m. reached the office of the District Muslim League a bit late. On Sunday the 18th instant our President, Mr. Mohammed Ashique Warsi accompanied by Hakim Mohammad Yasin and myself started for village Panchrukhi and reached there at about 10.30 a.m.

On arrival there we first of all visited the place where the cow, which is alleged to be the chief cause of the sudden and organised attack by Hindus was slaughtered by one Sakhawat Khan on 12-6-1939 to feed a marriage party which was to come to his house the same day from another village. The Press Note issued by the Congress Government on the said riot, states that the Muslims had slaughtered a cow in an open place and it injured the sentiments of the Hindus who collected there and were later dispersed by the police. Apparently the

Press Note by the Government seems to be innocent and unbiased containing a correct account of the incident in question but we can not help mentioning that it is as misleading as was the communique issued by the Government on the occasion of the last communal riot at Gaya. It is significant to note that cows have been slaughtered in this very particular place practically every day from time immemorial and no objection was ever taken by any Hindu resident of the village or of the adjoining villages. Village Panchrukhi has a population of about 300 Hindus and less than 70 Muslims. The place where the cow was slaughtered which gave rise to this sudden trouble, has been the slaughter house of this village and of the adjoining villages as well, since a long time and this fact was admitted by the Choukidar also before the S. D. O. on the day of occurrence. Moreover, the cow was slaughtered at the dead of night at about 3 a.m. and since no objection was ever taken by the Hindus, it is unintelligible how their sentiments could have been injured on the day of occurrence when as stated above cow was slaughtered at dead of night.

'Another significant feature of the riot was that although no trouble occurred at village Panchrukhi proper, yet the Hindus attacked the marriage party of one Karoo Mian which was coming from Gondapore and proceeding to Akbarpore in the presence of the police and assaulted eleven members of the said marriage party. Not content with this the Hindus then attacked and assaulted the innocent passersby, namely Nazir Mian and Ahmad Raza of Newadah including three Muslim women namely Most. Kulsum, Bafatan, and Shahidan and took away their ornaments and other valuables. This was also done in the actual presence of the police. The Hindus numbering about 500 belonging to Panchrukhi and the adjoining villages had collected there armed with lathis and other deadly weapons. They attacked the marriage party and injured seriously altogether eleven Muslims including the said three women and yet the Inspector of Police in whose presence these heinous crimes were being committed did not arrest any Hindu either on the spot or even later on. The Hindus had undoubtedly formed an unlawful assembly and were bent upon doing mischief. By 2 p.m. the same day the armed police with the A.S.P. and the S.D.O. of the Newadah sub-division had reached Panchrukhi. They must have been informed of the crimes committed by the Hindus but it is curious enough to note that no Hindu was arrested till the time of our visit to Panchrukhi on the 18th instant.

"The Hindus of the locality who made such a sudden and organised attack upon the Muslims for no fault of theirs are still remaining at large, and threatening the Muslims saying that they will make another attack the moment the police is removed. Muslim pedestrians are being chased frequently. Consequently the Muslims are panic-stricken and greatly harassed.

"A case has been started against the Muslims nine in number of Panchrukhi for slaughtering a cow. Sakhawat Khan filed a complaint against 40 Hindus for wrongly restraining him from doing a lawful act. Two more complaints have been filed against the Hindus for attacking the marriage party and assaulting the two innocent Muslim passersby.

"Although altogether three complaints have been made against the Hindus yet the Inspector of Police who has been there all along has not yet either arrested any Hindus or searched any house to recover the ornaments and other valuables of the marriage party which was attacked the Hindus. The Muslims against whom a case for cow-slaughter is started were arrested and later released on bail but we fail to understand why the Hindus who did everything before the eyes of the said Inspector of Police are still allowed to remain at large.

10. VILLAGE GAUSPORE P. S. GURUA

Thumb Impressions Taken by the Police. Severe Strictures by the Sessions Judge.

"One Md. Ismail of village Gauspore, P. S. Gurua (District Gaya) filed a complaint, of wrongful detention at the Police Station and for forcibly taking thumb impression of certain Muslims on a sulhanama (deed of compromise) between the Hindus and the Mohammedans of village Gauspore by which the later waived their right to sacrifice cows during the Bakrid, (Kurbani), before the S. D. O., Gaya (Sadar) Mr. S. N. Sahay on 6th February, 1939. The S. D. O. after personally holding an enquiry in the matter prosecuted Md. Ismail, his witnesses and one Khan Bahadur Syed Amirul Hasan under section 211, 193, and 211/114 I. P. C.

"Against the order of prosecution the parties appealed before Mr. J. G. Shearer I. C. S., Sessions Judge, Gaya, Criminal Appeal (No. 78) Khan Bahadur Amirul Hassan Vrs. King Emperor and Criminal appeal (No. 79) Md. Ismail and others Vrs. King Emperor of 1939. While quashing the order of the Sub-Divisional officer the learned Judge observed as follows in his judgment dated the 29th of June 1939.

"Now the gist of the complaint clearly was that Sulahanama had not been executed voluntarily and that undue pressure had been brought to bear on the Mohammedans to execute it. There is in my opinion some reason at least to suppose that this complaint was a substantial one". Then follows the remaining reasoning. Later on the learned Sessions Judge observes :—

"It is very curious that the Sub-Inspector should have taken the thumb impression of a mere boy such as Ismail is, on a document of this kind, and it has been asserted some of the other executants are not much older than him, the matter is very suspicious indeed."

The Sessions Judge concludes with the following remark : "I would invite the attention of the District Magistrate to the case, and would suggest that either further steps be taken to ascertain how these documents came into existence and whether the executants can be regarded as typical Mohammedans of Gauspore and if several of them are minors, they can scarcely be, or that directions be issued that in future disputes the document should not be relied to go to show that Kurbani is never done in this village."

Gaya — Sd. J. G. Shearer
The 29th June 1939 — *Sessions Judge*

11. GAYA RIOTS OF 6TH MAY 1939

Horrible Excesses by the Hindus. Arson, Looting, Murders and Assaults on Old Men, Women and Children. Desecration and Demolition of Mosques. District Magistrate's and Policc Partiality and Vagaries.

"The statement of the General Secretary, District Muslim League, Gaya on the Gaya communal riots in May 1939, submitted to the Hon'ble Premier and other Ministers of Bihar is reproduced in extenso :—

"Hindu Muslim tension in Gaya is to be traced to the organising of the ["] Hyderabad Day" and various provocative anti-Muslim slogans used in connection with this celebration. Feelings between the two communities were alienated and the outburst came with the hoisting of the Congress flag in the City School on the 26th January 1939 on "Independence Day". The leaders of both the communities soon put their heads together and a compromise was arrived at with the result that all the pending cases were withdrawn in the hope that the communities will live in peace and unity in future, but the hope

was soon to be falsified. The boys of the Gaya Zilla School began to agitate and insist on singing "Bande Matram." They made an appeal to their parents and the Hindu Public in general to help them in their cause. The ground was thus thoroughly prepared for a general conflagration and the misguided section of the Hindus waited for an opportune moment.

"It so happened that within a few hours of Mr. Whittaker's making over charge to the new District Magistrate a pot of hot meat thrown on the road unintentionally and without any motive of doing any injury to any person, due to a quarrel between a Muslim couple, fell upon the person of a small Hindu girl residing in the lower storey of the adjacent house. No fight or even scuffle took place there, yet it proved to be a signal for the Hindus to attack the Muslims on the pretext that a Mussalman had thrown meat (beef) on a Hindu. Immediately a general assault with blunt and deadly weapons started indiscriminately on the Muslims throughout the length and breadth of the town and before the Muslims could realise the seriousness of the danger, a good number of them were either killed or severely assaulted. The total casualties among the Muslims, according to our information is as follows :—

Deaths	13 (Information incomplete.)
Injured	90 (Information incomplete.)
Shops looted	15 (Complete information.)
Mosques damaged & desecreted	3
Shop burnt	1
Persons missing	10 (Information incomplete.)

Havoc played by the Hindus on Muslims lives and property.

"From the afternoon of the 6th May till the evening on the 27th May not less than nine Muslims were done to death, about six more or less seriously injured and more than a dozen of their shops looted and some of them even burnt. It is significant to note that the Muslims were not killed or injured in any regular clash or fight between the two communities. The Hindu fell upon, murdered and assaulted the Muslims wherever they found them unprotected as is evident from the fact that among those killed or injured, there are women, children of tender age, some street beggars, and even insane persons. On the other hand no such cause of sudden and indiscriminate assault in Mohammedan mohallas is reported. The

timberyard of considerable value belonging to a Muslim of Gaiwalbigha was reduced to ashes on the night of 6th May and a young Muslim named Dargahi Mian who rushed to extinguish the fire was brutally murdered. A Moazzin of a mosque was murdered at about 8 p.m. on the 6th May close to the Kotwali Police station. The shop of Rafique Pahalwan, a shoe merchant, was looted not far off from the said police station and another shop of Wazir Mian, a wholesale dealer was looted within the distance of 300 yards from the Kotwali. Almost all the Muslim shops situated in Hindu Mohallas were looted while those of Hindus in Muslim mohallas remained safe throughout.

TREATMENT BY THE POLICE

"Within half an hour of the outbreak of the riot almost all the available police force was deputed to such Mohallas exclusively as are inhabited mostly by the Muslims, while in the morning of the 8th May there was an inadequate police force or picket in mohallas which have a predominantly Hindu population. Almost all the cases of death and serious injuries to Muslims are reported from Hindu mohallas which remained almost without police force or picket. The Hindus of these mohallas were free and did what they liked as is borne out by the number of casualties on the 6th, 7th and 8th May.

On the 6th and 7th May the Police arrested indiscriminately but mostly Muslims. Their houses were forcibly broken open and innocent Muslims were maltreated. They were sitting in private houses, apartments, and hotels but were arrested and beaten. The hotel keepers were also arrested with the result that many Muslims had to go without food in Mohallas such as Chatta ki Masjid and Ghasiatola. The police entered the house of M. Ishaque, pleader who had returned from Calcutta the same day and was lying ill and wanted to arrest him and his clerk. One of his rooms was forcibly opened and some of his clients and relations who had come to see him were arrested.

"Most of the dead bodies of the Muslims were brought to the Thana by the Police who certainly knew the places from where they had picked up those dead bodies but no arrest or house-search of the Hindus of those localities was made. Almost all the murders and assaults on Muslims occurred in the Hindu Mohallas where there was insufficient or no police guard or patrol. In the morning of the 8th the District Magistrate observed at the Thana that every thing was alright [*sic.*] and the town was normal but that very

morning a Muslim who had gone to purchase betel in a Hindu Mohalla Pandariwa, not very far off from the Kotwali, was brutally assaulted and this matter had already been reported to the authorities.

"In Muslim quarters, the Police made lathi charge on the Muslims and some of the Hindu constables were heard saying publicly "woh Zamana gaya" (those days are gone). On the 7th a Hindu mob proceeded to the house of Shah Mustafa Ahmad Saheb a respectable Rais of the town. He took out his unloaded gun and showed it to the militant mob only to frighten them. Just then the District Magistrate accompanied by a Hindu S. I. and police arrived there and seized the gun of Shah Saheb saying that he had made a mistake in showing it to the mob. The police did not arrest any member of the said mob who were all armed with deadly weapons and abusing Shah Saheb and instead chased and arrested a few Muslims who were standing on the other side, the police calling out "Khara rah re Musalman tere man ki aisi taisi" (very indecent abuse). Many cases of assault and loot took place before the eyes of the police but the Hindu constables remained aloof as silent spectators.

"On the 6th, 7th, 8th May and subsequent days, the Muslim League took up the work of rescuing Muslim families from dangerous Hindu Mohallas but the rescue party of the Muslim League was not given any help by the Police inspite [*sic.*] of requests made by the General Secretary. The rescue party had to patrol the whole town and rescue over 500 Muslims without any police escort and at the risk of their own safety.

"The tactics adopted by the police kept back many of the Muslims from lodging information of the occurrence or their apprehensions.

"There was no proper arrangement for recording or lodging any information of the occurrence at the police station, with the result that many Muslims who went to lodge information were referred to this or that officer and had in the end to come back disappointed and without lodging any information. Khwaja Ghulam Ahmad Asst. Secretary, Town Muslim League, who was at the Police Station to render help and to seek information was asked by Mr. N. Ojha, I.C.S. to get out of the Police Station.

On the 10th May one Ali Jan of Mohalla Gaiwalbigha went to lodge information regarding the throwing of stones by the Hindus. He was arrested under section 505 Cr. P. C. for spreading false rumour but on the 12th May a Hindu of Mohalla Talbigha was

not arrested though his information was found to be false and instead two old Muslims of the ages of 65 and 70 (one of them was blind) were arrested.

"On the 11th May on a false allegation by a Hindu the police forcibly entered a house of a Muslim in Mohalla Muradpur and arrested a Muslim boy aged 18 years who had been suffering from pthysis for the last two years and was the only male occupant of the house at the time of arrest. He was found in jail by Dr. Rajendra Prasad and Mr. S. A. Aziz. One the 14th May when Mr. S. A. Aziz and Dr. Rajendra Prasad visited the jail a Hindu named Bhola Rao complained to them that he was assaulted by a Hindu constable because he had saved the lives of some Muslims and he was arrested for this offence.

"A false alarm of fire was raised in the night by the Hindus in Mohalla Dulhingunj. The Addl. S. P. arrived with a police force and water lorry. The house of Gayani Pandey was pointed out as the one which was put on fire, yet all that was found was a rag soaked in water. The Addl. S. P. ordered the police to find out and arrest the Muslims of that Mohalla, but the Muslim houses were found locked; only an old Muslim woman responded to the call of the police in one of the houses. No action was taken against the Hindus of that Mohalla for raising the false alarm and none of them was even arrested for creating a false panic."

"Dead bodies of the Muslims and some injured Muslims in precarious condition were recovered from Hindu Mohallas up till the 9th May. This clearly shows the lack or inefficiency of the police patrols or pickets in those localities. Some Muslims are reported to be missing still. No serious effort has been made by the police to scour the underground drains in Hindu Mohallas to find out the dead bodies therein, if any.

"The police took photographs of the dead bodies of the Mussalmans but did not either give their copies to the Muslims nor hung them up in the Kotwali for the information of the relatives or friends of those dead persons. Even the names and addresses of the dead Muslims were not disclosed with the result that information could not be lodged and the Muslims remained in the dark regarding the fate of their relatives."

Almost all the respectable persons of the town were made special police officers under Sec. 17 of the Police Act on the 7th

May. One day they were made to parade the Mohalla which is inhabited by the public woman under the command of a police officer in the scorching heat of the sun. This was done purely to humiliate them, so much so that Moulvi Shams Huz Zuha pleader who had recently recovered from a long illness, fell ill again.

Mosques Demolished and Desecrated

"A few days after the riot a notice was circulated by the police that no mosque had been either demolished or damaged, whereas in fact one mosque in Deoghat Vishnumpad Mandir and another in Lakhanpura were seriously damaged. Another mosque of Bawan Sirhi in old Gayaji was totally demolished. These mosques were later on inspected by Messrs Narayanji, and Ahmed Habib of Provincial Congress Committee and the Hon'ble Dr. Syed Mahmood Minister of Education also visited the said mosque in the company of the District Magistrate, S.D.O , and Jail Superintendent and other Hindu gentlemen on the 20th May."

Magistracy

In the communique issued by the District Magistrate on the 7th May, mention was made of the alleged attempt by the Muslims to burn a Marwari shop but curiously enough no mention was made in this or subsequent communique of the burning of a timber yard of a Muslim of Gaiwal Bigha or the looting of the shops of Wazir Mian, Rafique Pahalwan and others. At least the fire to the timber yard in Gaiwal Bigha was seen by the District Magistrate the night before he issued the said communique.

"The number of Muslims killed and injured and the heavy financial loss suffered by them due to the burning and looting of innumerable shops should have convinced the D. M. that the Muslims could not have been the aggressors."

"Moulvi M. A. Jalil, pleader who resides in a Muslim Mohalla where no occurrence had taken place who had been made special police officer was arrested on the pretext of obstructing a public servant namely Mr. Ojha I.C.S. under section 107 I.P.C. A good number of Muslims were arrested but the D. M. did not allow the General Secy: of the Provincial Muslim League to visit the jail to enquire into the grievances of the Muslims lodged there."

Again the General Secy: of the Muslim League or the Medical Aid Party of the Muslim League was not allowed to visit the Hospital

and attend to the patients there. Such permissions were freely given to the Muslim League by Mr. Whittakar during the last January riot.

"On a complaint of theft by one Tirloki Babu an inhabitant of Mohalla Muradpur who had left his house four months before the present riot, the police searched about ten Muslim houses in that Mohalla although nothing incriminating was discovered from the houses searched. This caused great harassment and inconvenience to the Muslims of that Mohalla and specially the purdahnashin Muslim women. The S. P. was approached by the General Secy: of the Muslim League on the first day of the search and he promised to direct the police not to make indiscriminate searches, but still the next day four more houses of respectable persons of that Mohalla were searched with a show of force."

"The losses suffered by the Muslims due to the burning and looting of the shops were great on the 6th and 7th May but curiously enough the town was declared not a disturbed area on and from 8th May. This means denial of compensation to the Muslims in the majority of cases."

These are some of the many grievances of the Muslims of Gaya which they have against the Authorities but at the same time they want to make it clear that they have no grievance against the Sadar S. D. O. Rai Saheb Sheo Nandan Prasad whose attitude on this occasion was, as during the previous riot in January last.

"The Muslims of Gaya demand an independent and impartial enquiry into the conduct and behaviour of the authorities for causing such hardships and oppression on Muslims. They hope and trust that the Government will meet their just and legitimate demand".

The Government shirked such enquiry for reasons which are obvious to any person who is impartial and unbiased, no enquiry was ordered. No further comment seems necessary. The fact speakers for itself.

Subsequent to this the Government of Bihar in a Press Note which was reported in the Indian Nation of 25th June 1939 and in the Star of India entitled "False Propaganda of the League", "Origin of Gaya Troubles", "Calcutta Papers Canard Refuted" etc. Bihar Government Communique."

The then Government of Bihar gave a reply to the communications sent to them by the Secy: Distt. Muslim League Gaya. Thereafter a Press Telegram was sent by the Secy., District Muslim League, Gaya

on the 26th June 1939 which is as follows:

'Regret Bihar Government communique issued in reply to my statement on Gaya riots based mis-information therefore one sided. I still request Government to hold independent and impartial enquiry and if no enquiry is held by the 5th July, I propose issuing another statement to prove that communique is based on wrong information."

No notice was taken by Government of this Press Telegram whereupon the Secy. of the Dist. Muslim League published a rejoinder to the Government Press Note which refutes the one-sided communique and thoroughly exposes its inaccuracies. This rejoinder except for certain minute details is reproduced in extenso below :—

REJOINDER TO GOVERNMENT PRESS NOTE ON GAYA RIOTS OF 6TH MAY 1939

"The Government of Bihar were approached, through representations, a memorial and resolutions by public bodies, to institute an impartial enquiry relating to the communal riots of May 1939 at Gaya, but the Government, however, for palpable reasons did not see their way to accede to the request but issued a Press Note, based on the statement of the very men who were the offenders. Such a whitewashing communique naturally is, what it is. Such portions of this rejoinder, (as give details of some matters have been omitted to prevent this report becoming too cumbersome) are set out below in extenso:—

"The Congress Ministry, in the recently published Press Note on the communal riots at Gaya of 5th June 1939 have tried to defend the misdeeds and defiant attitude of the majority community and also the excesses, indiscretions and communalism of their officers not so much by the presentation of correct and accurate facts, as by making counter charges which range, from the sessions of the All India Muslim League at Patna to the activities of local Muslim Leaguers and the observance of the Prophet Day.

"Let us closely examine the statement. It is alleged that the feeling between the two communities at Gaya began to grow estranged since the outbreak of the communal riot at Aurangabad in 1937 (the correct year is 1936). It is a well known fact that communal disturbances at Aurangabad, Deo and Madanpore towards the end of the year 1936 and the beginning of the year 1937, were localised within a certain area and since then till the beginning of the current year no

communal trouble manifested itself in the town of Gaya. There was practically a lull for two years before the disturbances in this town.

"The Minister has charged the local leaders for engaging themselves in an intensive campaign not conducive to communal good-will and for preaching communal hatred in Mosques and elsewhere where the police could not report the speeches. The charge is of too vague and indefinite a nature to be answered specifically by instances and as such may be easily dismissed as being without any substance or merit.

"It is said that the attack on the Congress Ministry for inequity and injustice meted out to the Muslims during its tenure of office, has led to the ex cerbation of feeling between the two communities.

"This is not a correct estimate of the situation. On the other hand it shows that the Congress Ministry is in no mood to brook criticism or adverse comment. Can it be seriously doubted that the Muslims of Bihar have not been justly treated by the Congress Ministry. The Shareef Report 1937-38 has clearly set out and catalogued some instances of the invasion of the fundamental rights, religious and political, of the minority community and the persistent failure of the Ministry to redress the wrongs and restore the shaky confidence of the Muslims. The report remains unanswered as yet.

"The interested reporter of the speeches delivered in connection with the "Hyderabad Day" might have made the speeches look mild in tone but the offensive slogans that were shouted by the processionists undoubtedly hurt the feelings of the Muslims and credit must be given to the Muslim public for the admirable restraint that they displayed under such trying and provocative circumstances.

"In the Press Note an astounding statement is made that the trouble in connection with the hoisting of the Congress flag over the City H. E. School in January 1939 was brought under control by the school authorities aided by the police but the le. ders of the Muslim League appeared on the scene and interested themselves with the result that a riot broke out. The communique issued by the then District Magistrate Mr. Whittakar, I. C. S., in connection with this riot may be profitably quoted here: "On Thursday the 26th instant between 1 p.m. and 3.30 p.m. there was communal rioting in Gaya town. The origin of this rioting which broke out in four different quarters of the town, appears to have been due to an exaggerated version of the incident at a flag hoisting ceremony at the City H. E. School. During the morning the students assembled within the walled compound of the

school and in celebration of Independence Day, the Congress flag was hoisted on this building. A few Muslim students protested that no flag should be hoisted and later this protest was coupled with a demand to fly the Muslim flag. This alteration degenerated into an exchange of brick-bats within the school compound.

"The school is situated in one of the most crowded parts of the town and the flag hoisting incident had attracted a crowd outside the compound gates. This crowd in which Mohammedans pre-dominated, apparently sympathised with the Muslim students' demand and there was an exchange of brick-bats between the students inside the compound and the crowd outside, when the S.P. and the District Magistrate arrived at about 12-45 p.m. the crowd dispersing, thanks to the joint effort of local officers and the prominent citizens. The latter were arranging to move about in the town and check any ill-formed rumours. Before the programme could be carried out, however, the rumour had spread throughout the city that there had been a serious clash at the City School. Cases of stray assaults and rioting occurred between 1-30 and 3-30 p.m. 51 persons were injured, 39 of whom have been admitted to the Hospital. The injuries of 4 of them are serious. The majority of the injured are Mohammedans". Comment is unnecessary.

"Then Mr. M. Ashique Warsi, the President of the District League, and a member of the All-India Working Committee has been accused for not helping communal bitterness to heal up by his refusal to allow the Bakrid cases, in which the Hindus were accused, to be compromised. This is a demonstrable falsity as I will presently show. Certain details of these cases are set out, which are omitted.

"It may pertinently be asked as to why the workers and leaders of the Congress displayed unusual and uncalled for anxiety for the withdrawal of communal cases when it should be their clear duty to protest the weak minority and bring the offenders to book. Even after these riots, in which no less than 18 innocent Muslims lost their lives, and grievous injury and financial ruin were caused to innumerable persons, in the course of a meeting convened for the restoration of communal peace and goodwill, presided over by Dr. Rajendra Prasad, the President of the Indian Congress, a leading lawyer of the Hindu community suggested the withdrawal of the cases arising out of the riot and thus by his suggestion unconsciously caused a momentary embarrassment to Mr. S. A. Aziz the President of the Behar Provincial Muslim League who was then addressing the meeting. I must reiterate here that there can

be no getting away from the fact that the observance of the Hyderabad Day, the hoisting of the Congress flag and the singing of the Bande Matram have been fruitful sources of communal clashes not only in this town but in other parts of the country as well, and they are a heavy item on the Congress conscience. Mr. Gandhi's statement on the question of Congress flag and Bande Matram song, though belated is nevertheless welcome and his community would be well advised to follow his counsel of wisdom.

The Congress Government have now declared their new policy with regard to the singing of Bande Matram, and the hoisting of the Congress flag in schools which will be dealt with in this report later.

"The Information Officer contradicts the Secretary's statement of a general organised assault on the Muslims immediately on the out-break of the riot, and instances of the cases of assault on two Hindu gentlemen which first came to the notice of the authorities; this is incorrect. From all reports and verified information it appears that the first case of assault took place near the Tekari and Station road crossing. The names of the injured are Moulvi Bashir and Moulvi Idris. The shop of one Sharafat Hussain situated at the said crossing was surrounded by Hindu rioters and an attempt was made to assault him. Information of the occurrences were lodged at 4-50 p.m. on 6th May, 1939.

POLICE ARRANGEMENT

"The Ministry's reply relating to the Police Arrangement entirely misses our point. Nobody doubts that it is the primary duty of the Authorities to depute a police force at such points where the Hindu and Muslim Mohallas join and where the rival crowds of the two communities are likely to clash. What the secretary wanted to stress was that there was an over-drafting of the police force inside the Muslim quarters at points where there could be no apprehension of a major or minor clash, and that on the other hand the notorious Hindu Mohalla remained without police pickets. The chance of major clash between rival crowds disappeared with the enforcement of Curfew Orders and 144 Cr. P. C. but the police force continued to concentrate on points where their utility or effectiveness was produced [*sic.*] to a nullity. In such circumstances and as evidenced by cases of murder, assault, loot and depredations it was the most injudicious distribution of the police force in Mohalla such as Karimgunj, which is exclusively a Muslim quarter and where the residents had taken steps through their men and National

Guards to prevent any stray assault on casual Hindu pedestrians, was overpicketted by the police, within a few hours after the out-break of the riot, while the Dela Mohalla which is a Hindu quarter was left unguarded. The result was that a number of assaults were caused to the Muslim pedestrians both on the 6th and until 17th hour of the 7th May when one Khatir Hussain Watch No. 1749 was fatally assaulted, similarly in other Muslim quarters such as Ghasiartola near New Granad Hotel and near Hakim Yasin's house in Mohalla Qassabtola and near the mosque in Mohalla Morarpore to quote a few instances—there were police picket [*sic.*] since the start of the riot, while other Hindu Mohallas were without police force with the result that casualties continued in these localities until the morning of the 8th of May. There is unimpeachable testimony of men of the [*sic.*] great respectability and high repute on this point, who belong to neither community.

The Secretary's statement that Hindu quarters were without any police force or picket gains support from the statement in the Press Note that most of the assault [*sic.*] on Muslims were in Hindu Mohallas and that the case of assault and loot did not happen in the presence of the police.

INDISCRIMINATE ARREST

"That the arrest made by the authorities was of an indiscriminate nature and largely of innocent and peace loving citizens is proved by the statement that "Several leading men of both communities had complained that efficient action had not been taken against the goonda element" and that "Most of persons arrested were released unconditionally.

"On the 7th of May, 1939 two rival mobs of Hindus and Muslims were found committing an affray at the crossing of Sarai Road by the police and it was seen that while 9 Muslims were arrested on the spot the members of the other mob were allowed to get off.

Again in Mohalla Nadragunj where not a single Muslim was found to have aggressed against or mishandled the Hindus, innocent and law abiding Muslims were taken in custody and are being proceeded against under section 107 Cr. P. C. although the Muslims of the locality suffered loss of life and property and sustained grievous injuries.

"The disparity in the arrest of the Hindus, on the 8th of May was chiefly due to the fact that the Muslim public agitated over the matter and brought it to the notice of the Commissioner, who was on a visit to

the town to acquaint himself with the detailed account of the disturbances.

"In the previous statement the Secretary said "The tactics adopted by the police kept back many of the Muslims from lodging information of the occurrence or their fears and apprehensions. There was no proper arrangement at the Police Station to record information. If the arrangements were as perfect as the authorities would have us believe, then why were the informants in many cases asked to give their reports in writing; which again in many cases were surreptitiously caused to disappear". To enumerate a few instances, Ghulam Rabbani of Mohalla New Godown after his house and property were set on fire by the Hindu rioters was brought to the Kotwali where he narrated his story before the Magistrate and made an attempt to lodge an information which was not reduced to writing by the Kotwali police. Later on he had to submit a written report complaining about no investigation having been started in his case. The Police has now submitted a charge sheet and the matter is sub-judice, so I desist from further comment on the case. The cases of such information as Mohd. Zahoor, Ghulam Rasul, and Reshid Khalifa are in point, their informations were either not recorded or their written reports were allowed to disappear with the result that they had to submit fresh report of the occurrence later on.

"The Press Note states the circumstances in which one Habib Mian of Morarpore, a boy of 18 years, was arrested and denied that the boy is suffering from consumption. At present the boy is being proceeded against under section 107 Cr. P. C. so I shall refrain from making any comment on the circumstances leading to his arrest. But I must add that as a result of medical examination of the boy by private practitioners of long experience, it appears that the boy is suffering from Halmotisis in an advanced stage. Will the Government place his case before the Medical Board?

Into the allegations made so publicly by Bhola Ram before Dr. Rajendra Prasad and Mr. S. A. Aziz the authorities have not as yet instituted any enquiry and set the matter at rest. It is not known whether the authorities took any step to verify from Dr. Rajendra Prasad and Mr. S. A. Aziz about the allegations made before them. I have received a copy of the statement of Moulvi Ishaque, pleader, which emphatically contradicts the Ministry's account of the occurrence. His house was raided and searched and a number of persons taken in custody. I need not repeat his statement here which has already appear-

ed in the Press. From further enquiry in the locality it appears that his version is correct and the facts would be borne out by the official records as well if they have been accurately maintained. Let the Ministry publish the same in extenso if they can.

RESCUE WORK

These Muslims who have gone through the riots and were stranded in exclusively Hindu quarters, know it to their cost as to what sort of help was provided by the local police. When the Muslims were turned back from the Kotwali on the plea that help for rescue of solitary individual families could not be given, they came to the League office where the rescue section of the League rendered all the assistance that it could. The League has kept a list of the families so rescued. The Magistrate and the police party only escorted those persons who had collected at the thana, or who were in public or Government institution, and wanted to go to their respective houses or Mohallas or those who were found stranded in the streets by the patrol party.

It is not true that the majority of such persons were Muslims, or that their number was large.

Muslim Leaguers' Endeavour in Getting Muslims, Dead Frustrated by Suprintendent of Police

In view of the anxiety felt by a large number of persons regarding the fate of their relations and numerous enquiries at the League office, the Superintendent of police was approached with a written request to furnish the names of the dead and issue copies of photos of unidentified dead persons or to permit the photographer concerned to give copies on payment of cost, the S.P. wrote back that the names of the dead persons could not be supplied and the photos of unidentified bodies could be shown only to genuine relations, which, I say, was only begging the question as in the absence of the photographs, no relatives could claim any of the dead. It is true that most of the murder cases under the arrangement made by D. I. G. Mr. C. J. Reed were investigated by Muslim officers who had to work under the most trying and unfavourable conditions with little support from the Kotwali. The result was that there was considerable delay in the arrest of the accused persons, many of whom absconded on getting clue that they were wanted by the police.

Demolition and Destruction of Mosques

Regarding the damages to the mosques the Ministers in their Press Note say that in the statement of the local officials issued at an early stage of the disturbance (the statement referred to is of 10th May 39) the damage to mosques was denied, as no information of damages had been received; and as the alleged damages were caused to the out of the way mosques and that the said statement was not meant for the public but was sent to the thana officers to contradict rumours. In reply, I have to say that without ascertaining facts, the officials should not have come out with a statement of a general character but should have confined themselves to places of which they had definite knowledge. It is also apparent that allegation of damage to mosques had been made to the authorities.

The District Magistrate's callous indifference to the redemption of the promise he made to restore and repair the mosques damaged and demolished by Hindus in Riot of May 1939, will appear from the following facts :—

Dr. Mahmud, Education Minister of Bihar inspected Gaya soon after the riots of 6-5-39. Shah Murtaza Ahmad, Vice President of District Muslim League Gaya, prominent citizen and other League officials, the General Secretary of Gaya Dist. Muslim League and Asst. Secretary Gaya Town Muslim League took the said Minister to inspect the sad and deplorable scenes of devastation and ravages of the local mosques caused by the Hindus in communal fury some of which had been almost demolished by them.

The District Magistrate Gaya and S.D.O. requested us in the presence of Dr. Mahmud not to publish the photos promising to restore and repair the mosques. About a month back the General Secretary approached the District Magistrate to remind him of the promise made in this connection but alas he had to come back disappointed on the flat refusal of the District Magistrate Mr. B. N. Singh in the following words, "I cannot do anything".

Hindus Set Fire to Timber-Yard of Muslims

Absence of a reference to the burning of a timber-yard in the first communique about the riot issued by the District Magistrate, Mr. B. N. Singh was made the subject of a complaint in the Secretary's statement. The explanation that Mr. Whittakar, was not satisfied that

the fire was due to incandiarism [*sic*.] but thought that it was accidental, is hardly satisfactory and it may be reasonably suspected that advantage is taken of the absence of Mr. Whittakar. The explanation is also indiscreet in view of the fact that the matter is sub-judice and might harm the interest of the complainant.

Medical Relief to Injured

The Muslim public has rightly nursed a grievance that the patients did not get proper medical aid, and sometimes they were discharged before they got near to the stage of recovery. In one case, a discharged patient had to be actually. [*sic*.] re-admitted on the matter being brought to the notice of Dr. Rajendra Prasad. The plea that the admission in the Hospital of the Medical Aid party of the Muslim League would have caused congestion, confusion and interference with work does not carry conviction, were it so, this privilege would not have been extended by the then District Magistrate, Mr. Whittakar, I.C.S., on the occasion of the communal riot in the month of January. It appears from the statement of the patients that the Congressites and Mahasabhites had a free and un-restricted access at all times to the Hospitals.

Assaults on Muslim, A Boy of 11 Years and a One-Legged Beggar

I may add for the information of the Hon'ble Ministers that one Abdul Majeed, aged 11 years and a one-legged Fakir were done to death and two Muslim women, Mosst. Gango, Mosst. Galimana suffered grievous injury, and a decapitated body of one woman whom both Hindus and Muslims claimed as one of their community was discovered during the riot. As there were tatoo marks on her person, the police declared the dead body to be that of a Hindu woman. According to some of the Muslims she was a convert to Islam.

The Secretary of the Muslim League complained that the police did not make house searches extensively and intensively, in those localities wherefrom the dead bodies were recovered, whereas the Muslim houses were indiscriminately searched on mere allegations.

Searches of Muslim Houses Only

The figures given in the Press Note are incorrect. The correct figures which I have ascertained from local enquiry are as follows :—

In case of

Jafer Mian	..	.. 1 house was searched
Shakoor	..	.. 1 ,, ,, ,,
Latifur Rahman	..	.. no house were searched
Hanif	..	.. 4 houses were searched accused did not surrender
Dargahi	..	.. 3 houses searched including the house of one Ram Das Kahar
Khatir Hussain (Watchman No. 17 A9)		2 houses searched

With regard to the latter one official report says, "The District Magistrate ordered to break open the doors of 2 houses in which the men of that locality were hiding. One man and one boy were arrested from one house. That man gave the name of one Bulqan Goala who injured the watchman. In the meantime a police Sergeant who also came with the District Magistrate, saw a man running and he chased him. This man wanted to attack the Sergeant-Major with an iron Hasua (scythe)". The man was arrested. The police has submitted a final Report case true, but there is insufficient evidence. It must be remembered in this connection that the investigation of criminal cases being in the hands of the police, the selection of the witness and the evidence to be placed before the court is made by it. This has very often resulted in the acquittals of many offenders.

As a result of frequent communal riots the transference of Muslims from Hindu quarters and of Hindus from Muslim quarters, is taking place in the towns of Cawnpore, Gaya, Allahabad, Benares, and Bhagalpore. The policy of segregation is in evidence. And this by itself is a very sad commentary on the Congress rule in the province [*sic.*] of Bihar and U. P.

DISTRICT SARAN

SIWAN SUB-DIVISION

1. VILLAGE SARVAN, P. S. BASANTPUR

Cow Forcibly Taken Possession of by Hindu Congressman and ower Prosecuted and Harassed

One Mohammad Yusuf resident of this village was bringing a cow which he had purchased at a fair. On his way to the village

he was surrounded by a number of Congressmen and the cow was taken away from him with the help of the Hindu Chowkidar. The owner of the animal was taken to the Thana and the Hindu officer incharge of the Police Station sent him up for prosecution. After a considerable degree of inconvenience and great financial loss he was acquitted by the Court, we do not know if his cow was also returned to him. A Muslim suffers at the hands of Congressmen and no action is taken against the Hindu persecutors of the oppressed. This is now the rule it seems.

2. VILLAGE GORGHAT, P. S. SISVAN

Incident similar to the above

Another incident took place in which one Md. Qasim also of this village was similarly treated and prosecuted and subsequently acquitted. There again the process as above was carried out.

3. VILLAGE CHANCHOO PALI P. S. BASANTPUR

Muslims Prevented from Drawing Water from Well

A few Muslims who are the residents of this village were prevented from drawing water from the village well, their only offence being that they were likely to be persons who eat beef The officer incharge of the Police Station did not give any relief to the Muslims in this connection. The Subdivisional Muslim League tried to obtain relief for the Muslims through the Inspector of Police of Siwan but without avail. The poor Muslim villagers were compelled to obtain their water for their food and drink by means of a water-pumps.

4. VILLAGE LUDHI, P. S. BASANTPUR

Muslim graveyard converted to store house for cloth by the Hindus

There was a burial ground in this village which was in the possession of and under the care and protection of a Mojabir (care taker) of this village. The Hindus of this village took possession of this burial ground and converted it into a Khaddar Bhandar (Store house for hand woven and hand-spun cloth). The Muslims protested, the matter was reported to the Police Officer. Upon the objection a Deputy Magistrate was deputed to investigate, who in his report stated that on digging the place, human bones were found, and

consequently an order was passed by the S.D O , Siwan for the removal of the Khaddar store-house from the graveyard. This order was disobeyed and the Store-house still remains on the graveyard. A Muslim graveyard is desecrated. Hindu police reports against the Muslims, this was rejected upon further enquiry by the S.D.O., but no remedy given to aggrieved Muslims. It seems under this Congress Government even death affords no peace to the Muslims.

5. VILLAGE BAHADURPUR TOLA MAHAL., P. S. BADARIA

Muslims prevented from burying their dead

There is an old graveyard in this village which contains many graves. The Congressite Hindus of the village demolished a few of them and prevented the Muslims from burying their dead in the graveyard. Once due to this unreasonable objection of the Hindus a corpse could not be buried for 24 hours. The police arrived at the scene but did not help the Muslims and the Hindus in thousands took possession of the graveyard. The Muslims finding themselves helpless resolved to fight to the last ditch at the cost of their lives and it was only then possible that they succeeded in burying that dead body. Here again there was no peace for a Muslim even after death.

6. VILLAGE ABOY, P. S. MAHARAJGUNJ

Desecration by Congress Hindus of Tomb of Muslim saint

In this village there is a Mausoleum of a saint called Alawal Peer. The Congressite Hindus made an organized attack upon this Mausoleum and damaged it. The Muslims lodged an information at the Police Station. The Hindus took the plea that it is a 'Samadh' of one Bawal Das who was a Hindu Sadhu. The Muslims proved their version from the documents of 1870 yet the police took no step. Sometime after the Hindus again attacked the holy shrine but this time the Muslims fought with their back to the wall and succeeded in warding off the attack. Consequently the Muslims filed a complaint in court upon which the police issued notices under section 107 C. P. C., upon Muslims as well as upon the Hindus. The Magistrate took no step upon the petition of complaint. The 107 proceedings were drawn and it was decided that the shrine was the Mausoleum of the Muslim saint, after so much harassment and molestation. The notices under 107 C. P. C. are yet pending against the Muslims. The Muslims were the aggrieved. No

action was taken by the S. D. O. on the complaint filed against the Hindus. 107 C. P. C. proceedings instituted against the Muslims, are still pending though in the previous 107 proceedings against the Hindus it was found that the Muslim case was correct. This is the justice meted out to the Muslims under the Congress Regime.

7. VILLAGE BALIA P. S. DARAULI

Moharram Procession—Obstruction by Congress Hindus

This village is close to the native place of Dr. Rajendra Prasad, President of the Congress. On the occasion of Moharram and Chehlum the Tazia and Moharram procession of this village used to pass through village Bangra which is a Hindu village from time immemorial. In 1938 the Congressite Hindus prevented the passage of the procession and constructed a wall to obstruct the route and the Hindu police officers rejected the prayer of the Muslims for license. The Muslims had consequently to abandon the performance of this ceremony on the occasion of Moharram. When the Chehlum time came Mr. Martin, the S. D. O., Saran got the wall demolished and permitted the procession to be taken by the old route. In 1939 again the same obstructive plicy was adopted but at the intervention of the Muslim League authorities the permission was granted on the condition that the Mussalmans would have to deposit a security for the compensation in case the procession damaged the standing crops of the Hindus. The procession passed without any damage done to anything but even inspite of this the S. D. O. in a subsequent order asked the Muslims not to take the procession from this route till they have obtained a decision in their favour from the civil court. Protesting against this unjust and illegal order of the S. D. O., the Muslims submitted a memorial to H. E. the Governor and Prime Minister of Bihar the result of which has not yet been known.

DISTRICT CHAMPARAN

Village Bagha, Sub-Division—Bettiah

This village Bagha is within the Sub-Division of Bettiah in the district of Champaran. Its population mostly consists of Mussalmans and there are only a few houses of Hindus. The people of the village have ever been living peacefully and the Muslims though in a huge majority in deference to their Hindu neighbours' feelings, had abstained from sacrificing cows in this village. Since the advent of the Congress

Government there came a change in the atmosphere which became surcharged with the pervading influence of Ram Raj and owing to the exploitation by the outsiders of the religious feeling, the Hindus of the village who had so long maintained amicable relations with their Muslim neighbours imbibed communal feelings and took it into their minds to bring out the Mahabiri procession last year. They accordingly applied for a license to the Bagha Police Station but the Sub-Inspector who was a Hindu, finding that no such custom existed refused to grant the license.

This year also, taking advantage of the fact that the Sub-Inspector was a Muslim, the Hindus applied for a license and he had not the courage to refuse which as his Hindu predecessor had done. Babu Harbans Sahay M.A.L. the Chairman of the District Board alongwith a Congress Muslim, proceeded to Bagha to accord his support to the Hindus. The Police S. I. wrote to his superior officer for his opinion in the matter. The Muslims suspecting that the permission might be granted, informed the District Muslim League of Champaran, recording their protest on the ground that there was no custom and if the procession was at all allowed to pass, it should not pass by the Muslim quarters and the mosque. The Secretary of the District Muslim League and the S. D. O., Bettiah proceeded to the spot and after having visited the locality, the S. D. O. came to the Police Station, consulted the records and finding that there was no previous custom forbade the taking out of the procession.

In the meanwhile the Muslims of the village became ready even to go the length of consenting to the taking out of the Mahabiri procession provided, the processionists were only the inhabitants of the village and they adopted a longer route by which the mosque may happily be avoided but the Hindus did not agree even to this amicable suggestion, and remained adamant in their wild suggestion of taking out the procession with the help of out-siders and through the route on which a mosque was situated. Mr. Bipin Behari Verma, the Manager of the Bettiah Raj, and the ex-Secretary of the Bihar Provincial Congress Committee finding the situation complicated, went to Bagha to settle the matter. Mr. Diwan Werasat Hosain Khan, Secretary of the District Muslim League was wired to, by the Muslim residents of the village and he reached the place with Mr. Verma. After due deliberation Mr. B. P. Verma told the Hindus that the procession would not be taken out but the Hindus inspite [*sic.*] of the fact that they had made Mr. Verma

the sole arbitrator declined to accept his award. The Secretary of the District Muslim League sent a written information to the District Magistrate of all that had happened in Champaran District. The District Magistrate after having talked with the Secretary of the District League referred the matter to the higher authorities for instructions and on receipt of their instruction went to Bagha and ordered the Hindus according to the instructions received from the authorities.

The order of the Collector was, that the order and license could be granted but for the route suggested by the Muslims which avoided the Muslim houses and mosque. The Hindus, however, not only did not accept this, but as a protest refused to take out the procession on the date fixed *i.e.* 19th August, 1939. The District Magistrate when he visited the locality was accompanied by Mr. B. P. Verma and Mr. Farhat Hosain the President of the District Muslim League. This provided an opportunity to the communal minded Hindus and the Hindu organisation of the Province to malign the District Magistrate of Champaran simply because he happened to be a Muslim namely Mr. S. R. Zaman, I.C.S. although he acted according to the Local Government's orders. The English Dailies, the Searchlight and the Indian Nation participated in this vilification to their heart's content. A correct statement of facts in contradiction to this vicious propaganda was sent to these papers but they did not publish it for reasons best known to them. Some portion of this statement, however, appeared in an English daily of Calcutta, the Star of India. The Hindus of the District with out-side help organised a complete boycott of the Muslims so much so that they were told not to sell or to buy from the Muslims. The Muslims were turned out from the public market and their goods were looted. Inspite [*sic.*] of all this the Muslims under the advice of the District Muslim League maintained peace and remained calm. The authorities were moved but they kept quiet. Proceedings under section 107 Criminal Procedure Code were started. The Muslims were bound down, the Hindus refused to give securities but even this did not move the Government to punish them. All sorts of violent speeches against the Muslims were being delivered. The assassination of the Secretary of the District Muslim League was threatened and the Congress Government was also threatened with Satyagraha.

The Muslim District Magistrate went on leave at about this time and was succeeded by a Hindu District Magistrate who went to Bagha and altered the order of the outgoing Magistrate and granted a license

to take out the procession via the mosques. This unruly spirit of the Hindus with the help of outsiders and the Hindu Mahasabha leaders, though it put the Local Government to various sorts of unnecessary expenditure in the shape of sending Military forces etc., was not taken notice of by the Hindu District Magistrate.

Just on the day when the Satyagraha was to be started Mr. Jagat Narain Lal (once the Secretary of the All-India Hindu Mahasabha) the Parliamentary Secretary to the Hon'ble the Finance Minister went to the spot and had the procession taken out by his co-religionists, which consisted according to the report published in the Searchlight of about 40,000 men. This procession with music passed the mosque, just when the Muslims were offering their prayers, the presence of Mr. Jagat Narain Lal who had ordered the Military forces to keep Gun-Muzzles pointed at the Muslim houses. All this was done in spite of the fact that notices under Section 144 Cr. P. C., had been passed preventing the assemblage of 5 or more persons.

A few instances out of the many cases of boycott of the Muslims by the Hindus in this connection are given below :

1. Inside the Bazar all the shops belong to the Hindus. Some Mussalman tailors had taken these shops on hire to carry on their business. These tailors were turned out by the Hindu Landlords and the shops were locked with the articles of these poor Muslims. They remained in this condition without doing their daily work for a long time.

2. One Muslim died. The Hindus refused to sell the cloth for preparing the shroud of the deceased. In the end the poor Muslims adopted the device of sending a Hindu boy for that purpose.

3. One Zahiruddin Khan who was unloading his things at his shop was surrounded by the Hindus, they rushed inside his house and looted his articles. When this Zahiruddin Khan informed the Police the latter scolded and abused him.

4. The shops of Baban Mian, butcher and Barkat Ali Mian were looted and their vegetables and meat thrown on the street and all these Hindus were forbidden to buy anything from them. These Muslims were not allowed to have their shops in the market. The police were informted, but they took no steps against the Hindus.

5. On the 4th September 1939 a meeting was held in Bagha under the auspices of Hindu Mahasabha in which Thakur Harishankar Singh presided. The Secretary Pandit Baharat Misra delivered a most aggravating and inflammatory speech. He induced the Hindus to give away

their lives and anyhow to take out the Mahabiri Jhanda as proposed. That all the Hindus at least of 10 miles from Bagha should come to the village and join in taking out the procession and that he would see to it that the procession was taken out. He further said now that you Hindus have boycotted the Musalmans you should not withdraw this boycott. The religious places of Hindus are in Hindusthan and those of the Muslims are outside, so they have no right to remain in India but they should leave it and go away to Arabia. There will be Hindu Raj in India and the Hindus should have to fight for this. The speaker also used very strong and objectionable language about Mr. Jinnah.

6. The Hotel of one Firangi Mian was looted. The cooked food was thrown away and his utensils and furniture were destroyed.

7. There was a case of delivery in the house of one Asmatullah but just at the time the Hindus stopped the services of the midwife.

8. Attacks were made upon women when they were left alone in their houses. In this connection one Mosammat Jumratan was a victim of attack by a Hindu named Chhedi Kalwar.

I may quote another instance of the Hindu unreasonableness. Babu Harbans Sahay, M.L.A., Chairman of the District Board had gone to Bagha to accord his support to the Hindus. It was known that the Secretary of the Muslim League District Motihari had said that the fight was not between the Hindus and the Muslims but between the Muslims and the Provincial Government, this exasperated this M.L.A., to such an extent that he is reported to have said 'Please put down. I will ask a question on this sentence of the Secretary of the League in the Assembly and will get his license of pleadership cancelled."

However, the complete boycott of the Muslims continues and in spite of the fact that the Muslims are abstaining from killing cows in the village, the Hindus have the general permission to sell publicly Jhatka meat. The boycott was so complete that Mr. Syed Abdul Aziz, President of the Provincial Muslim League, who had gone to the locality in this very connection in the first week of October 1939, while walking on the road with some companions one of them sent a servant with a pice to buy a match-box, the servant came back with the information that a match-box was not available. Mr. Aziz went to that shop and got the same reply but when Mr Aziz threatened the shopkeeper with a search and told him he was going to send for the S D O., the man produced a match-box and sold it to him.

I. FINDS AT SEARCH AT [*sic.*] *VILLAGE BANKATWA*

On the 19th September 1939 in village Bankatwa which adjoins this village Bagha, there was an explosion at about 1 a.m. in the night, in a Hindu house, the police surrounded it. A large number of neighbouring Hindus assembled to protest presumably because the Sub-Inspector In-Charge was a Muslim. The inmates of the house were arrested including one Shama Charan Shukul, Secretary Hindu Mahasabha Bagha and other outsider Hindus. Articles like loaded pistol with cartridges, kukries, swords, swordstick and other weapons besides some explosive substances were recovered from the house. Later the son of the President of the local Hindu Mahasabha was also arrested.

A report of the finding of fire arms etc., upon search at Bagha appeared in the Star of India in its issue of 5th October, 1939, and it was reported in that paper that "The house was searched and it appeared that it was converted into a magazine of the Mahasabhites and the Congressites terrorists who wanted to commit acts of violence against the Muslims of Bagha and Ratan Mala to coerce and frighten them to abject submission to unjust Hindu demands. A large number of pistols, revolvers, guns, swords, bayonets, Nepali daggers, implements used in breaking locks and committing burglary, black masks, half-pants, and chloroform, a suit case and other things were discovered and seized by the police. It appears that after getting scent of the besieging police force, the Mahasabhites burnt all materials for bomb making which they had collected in the Magazine house. They, in the night witnessed in the house, flames of fire at short intervals which showed that the terrorists were burning the bomb materials for fear of its being seized by the police. The police took into its custody all the ashes and burnt materials found in the house for investigation."

The question at issue at Bagha is that the Muslims of Bagha are not allowed to slaughter cows on the ground that it is against the local "custom" although there are only a few non-caste Hindus in the village. The Muslims have been made to obey the rule of "custom" in the matter of Qurbani. The Muslims have accepted it and have not complained or started any agitation against their disability. The Hindus, on the other hand, never took out any Mahabiri Jhanda in Bagha for the simple reason that their population is very small and the Jhanda affair is entirely a new cult and quite against local custom. But now the Hindus of the neighbouring villages instigated and supported by big Congress leaders are fighting for asserting their "absolute" right of play-

ing music before Mosque and taking *Mahabiri* Jhanda procession by Mosque roads. As this is palpable [*sic.*] wrong and unjust to bind the Muslims by the rule of "custom" and prevent them from performing the Qurbani on its score and at the same time to give the Hindus the absolute right and freedom to play music before the Mosque of the village and pass a procession of Mahabir-Jhanda by the Mosque road, the Bihar Premier has landed himself in great straits. He has again and again supported and encouraged the Hindu agitators in their unjustifiable move to break the rule of "custom." He permitted a Jhanda procession in Bagha as in Kazichak in Bhagalpur. The result is that the whole peace and tranquillity of the district and the province has been endangered.

Compare this with that what is happening at Manahjul in Bhagalpur district, where Muslims are being prosecuted for sacrificing cows on the alleged but false ground that there is no custom.

The Director of Public Information has released the following note in the Indian Nation of 17th October, 1939:

'On receiving information on the night of the 18/19th September 1939 that an armed gang had assembled in a house in village Bankatwa and were planning to commit dacoity in the house of one Hanuman Shah of the same village the sub-inspector of police of Bagha proceeded to the spot with a police force and raided the house. The police had been watching the movements of this gang since August last. A large number of villagers also arrived and surrounded the house. The persons of the house were ordered to surrender and a search was made. Five persons including Shyama Charan Shukla, Secretary of the local Hindu Sabha were arrested. two others having escaped. The arms recovered were a loaded country made pistol and three cartridges, four kukries, one sword-stick, six swords and scabbards and an implement for breaking locks and house breaking. No bombs, guns or chloroform were recovered as alleged in the newspaper report. A rough plan of the house of a Marwari, Matauram, who lives in front of the house searched. was also recovered. Two further arrests were made including that of Hanuman Prasad, son of Babu Mahadeo Prasad, President of the local Hindu Sabha, and one toy revolver with 20 cork bullets was recovered from the room of Hanuman Prasad and another toy revolver was handed over to the police by his father."

From the above report it will appear that the person or persons

from whose house these articles were recovered after search were leaders of a gang of Dacoits and it will be noted in the Press Note itself that Shyama Charan Shukla, Secretary of the Local Hindu Sabha and one Hanuman Prasad son of Babu Mahadeo Prasad, President of the local Hindu Sabha were amongst those who were arrested, and further that a certain number of cork bullets and "Toy revolvers" were recovered and made over to the Police by the father himself. It is well known that the local Hindu Sabha and its officers have been taking a very leading part in the whole of the agitation which has been engineered by the officials of the local Hindu Sabha. It would appear from the Government Communique that the leaders of the said Hindu Mahasabha are members of a gang of dacoits. Such are the one sided versions given by the Congress Government whenever there is a communal tension and turmoil between the Hindus and the Mohammedans. That the Government, it will be found upon a perusal of this report only gives a one sided version of these unfortunate occurrences; a version which is solely dependent upon its Congress officials and the local police; the very persons who foment these unfortunate troubles.

It is for these reasons that the Muslims have ceased completely to have faith or any confidence in the justice, fairness and impartiality of the Congress Government in communal matters. This is not surprising.

II. VILLAGE MAHADEVA P.S. RAXUAL

Obstruction to Muslims burying a dead Muslim woman in the Muslim graveyard.

Mahadeva is a village within the Police Station Raxaul. A report appeared in the Star of India of the 21st September 1939 from which it appeared that about 20 Muslims had accompanied the dead body of an old Muslim woman, to the Muslim burying ground, that a grave had been dug for the interring of the body, after which a very large Hindu mob came on the scene and assaulted the Muslims and that some lathi blows also fell on the corpse. I have a cutting of the Government Press Note which was issued on the 16th September 1939, in which again a one sided version of the incident is given. The Government Communique, however, says that "a lathi fight ensued between the Muslims who numbered 20 and the Hindus numbering about 200, resulting in simple injuries to 9 Muslims and 8

Hindus."

It seems inconceivable how the 20 Mohammedans could have taken lathis with them when they were taking a corpse for the purpose of burial and it seems equally inconceivable how 20 Muslims could possibly cope in the fight with 200 Hindus; it would seem that the Press Communique is as usual based and derived from tainted sources. It also appears from the Press Note that only 31 Hindus out of 200 were arrested while 11 Muslims out of 20 had been also arrested. There was obviously considerable disparity in these arrests, proportionately speaking.

III. P.S. RAXAUL

A report had appeared in the Star of India of 21st September, 1939, that about 5,000 Hindus had surrounded and threatened to attack the office of the Thana Muslim League at Raxaul and the mere fact that the Police thana was next door to this office, alone prevented this disorderly mob from injuring the League officer and destroying the League office. A Government Press Note was published in reply to this Report. A Report of this incident also appeared in other papers, such as the Indian Nation of 2nd November 1939. From the Press Note it appears that ugly rumours had been started in the place of a possible breach of the peace, and this led to an ugly situation developing which was stopped by the S. D. O. of the Sadar, arriving with an armed force. The Government Press Note further says that excepting the collecting of 300 Hindus at the police station there was no attempt by the Hindus to raid or to assault the officer of the League. As pointed out above the Thana and the League office are almost contiguous. And reading between the lines of the Government Press Note it will be difficult to say whether the Government Communique is correct and this Hindu mob had not collected for the purpose of over-awing the office-bearers of the League. It would seem that the report in the Star of India on this subject is correct and the proximity of the Thana to the League office alone saved this office and the office-bearer from mischief.

It will have been noticed that in all Government Communiques published by the Congress Ministry, a generally one-sided version is given, an attempt is almost invariably made to minimise the offences of the Hindus in these communal matters, these Press Notes usually are palliative of these offences against the Muslims.

The Government attitude as indicated above, serves as guidance to its local agent and officers and the police to tune their actions accordingly. Guidance in this indirect manner is also given by the Government to its local officers from the complete immunity from punishment to these Hindu offenders. Over and above this, there are the local Congress officials who are always present on such occasions and as has been found often foment these troubles and are often participants in these communal disturbances. Then again the Government has persistently refused *while in office* to order open enquiries by independent tribunals whenever it has been asked to order such enquiries. There are some of the various factors that have contributed to the general Muslim pessimism, and to its conviction that the situation under the Congress Government was beyond hope.

DISTRICT DARBHANGA

1. VILLAGE BANAULI, P. S. DARBHANGA

Harassment of Muslim Lady

S. Md. Taslim of Banauli was taking his wife to Parri, Balaji and Baldeo Sahai, the two Congressite leaders of Banauli, got the zanana sawari stopped, claiming the inmate as a Hindu girl. But for the timely help of the Muslim League, and the kind help of B. R. K. Lall the Inspector of Police, the respectable lady would have been snatched away by the Hindus. The lady's pardah was violated and she was identified by a Hindu boy to be none else than the wife of M. Taslim.

2. VILLAGE BANAULI, P. S. DARBAHANGA

Muslim waylaid, Property looted, Police informed, No action taken

On 20th March 1939 Munshi Nabi-ul-Haq who is a Moharrir at Laheriasarai, was waylaid by the Rajputs of village Banauli, Tola Dhankaul. They assaulted him severely and took away his bicycle and the money that was in his pocket. Police was informed but no step was taken by the police.

3. VILLAGE BARARA P. S. SINGHIA

Excesses of Hindu mob of several thousands

Barara is a village in Singhia P. S., S. D. Samastipore. Cow-sacri-

fices were performed in this village since time immemorial. The Muslims kept on informing the Muslim League as well as the Government authorities that the Hindus were making preparations and threatening the Muslims, who being in an isolated village were in great danger. Registered letters were sent to the I.G., the D.M. and the S.P. to this effect, but no step was taken to bind down the influential Hindus of Bangrahta and Sumbha Deorhi. Fortunately, being pressed by Maulvi Md. Salim, M.L.A., the President Muslim League, Samastipore Sub-Division who was sent to Barara under the orders of the S.D.O., Mr. Z. Khan, I.C.S. along with the Congress Secretary, (Jeddu Babu), and Khan Bahadur Sayed Shah Abdul Hamid, the S.D.O. was good enough to send some armed force under Mr. Pandey, Dy. Magistrate. The whole elaka was ransacked, not even the smallest plot belonging to the Muslims were [*sic.*] spared, even big and green trees were burnt by collecting dry thatching grass under them, houses and haystacks were set aflame to reduce the whole village to ashes in the western wind. But for the timely firing no life could have been saved. No compensation has been allowed to the Muslims and no punitive force was stationed in spite of the fact that an influential deputation of M.L.As waited on the Hon'ble Premier, for this purpose as well as for requesting him to depute a punitive force. A mob of fifty to eighty thousand had surrounded the village, crying Congress slogans, with horses, elephants, and tricoloured flags. But for the river on their back, the armed force in front of them and a sudden change of the wind, no one would have lived to tell the tale. The case has been committed to the Sessions. It is serious though not unexpected under the Congress regime, that out of a mob of 50,000 only few persons were charge-sheeted ; only 3 or 4 of them being respectable and the rest were men of no consequence.

4. VILLAGE KANSI, P. S. DARBHANGA

Terrible excesses by Hindus, Murders and Loot

This village is in Sadar Sub-Division and Darbhanga Police Station. The police were already informed that there were apprehensions of the breach of peace over a Harikirtan matter near the mosque. No Harikirtan procession was ever taken out by the side of the mosque within the memory of the villagers. An A. S. I. was already there, before his very eyes a handful of Muslims were mercilessly assaulted, looted and butchered. The Muslims being assured of their safety by the

Police on the spot, even refused the help of the Muslims that was offered by the Muslims of the vicinity. Getting news from a taxi-driver Mr. Muslehuddin, District Secretary, Muslim League, Dr. Hafeez and Maulvi Sayeed ran to the village in the driver's car. While passing the Darbhanga Police Station they were requested by the police officers there not to proceed unless the armed force reached that place as lawlessness prevailed in that area. They hurried back to the S.P.'s bunglow [*sic.*] and on the way picked up Mr. A. Hameed Khan, Advocate. In short they reached the village as fast as the car could take them, following the S.P., the Civil Surgeon and the armed police. They found the whole village looted, not even a bucket was available on the spot to fetch water and to heat it for washing the hands before touching the entrails that had come out of the belly; the granery, mosque and the houses presented a ghastly appearance. A Muslim boy, who had taken shelter on the cornice, was mercilessly assaulted and blood gushing out of his wound had slipped down from the cornice to the bottom of the wall. One old man Piroo Mian who was assaulted by the Hindus while offering prayers in the mosque, died before their eyes, within the mosque and others were taken to the Hospital. Only one Hindu was killed by the desperate inmates of a house, when he entered the Zenana and was carrying on his loot and butchery. The Sub-Divisional Muslim Leagues gave relief the next day. The neighbouring Muslim League kept on supplying food and clothes to the remaining members of the village, otherwise they would have been starved to death. The Hindus after a lapse of time brought a false counter case against the Muslims, even the police after a due enquiry filed it as false, but to the surprise of all the S. D. O. had to call for the charge-sheet, under the orders of the District Judge, Mr. Pandey. One poor Boha Mian has been refused bail in the counter-case, which was filed as false even by the S. D. O. Hindu witnesses are spoiling the case so much so that even the Hindu P. P. had to declare some of them hostile. It seems mysterious that Mr. Bashiruddin, the District Judge, was transferred all of a sudden without any earthly reason, Mr. Pandey was brought to Darbhanga, Mr. Walker the S.P. who would have watched the case impartially and helped the prosecution, was hurriedly transferred just at the time of the trial and quite a new S.P. was deputed. The sudden transfers of all these officers by the Government tell their own tale and seem highly surprising under the circumstances. An appeal against the conviction of certain Hindu accused has been made to the High Court and the appeal has been

admitted and is pending.

5. VILLAGE MAMPOR-KISHOPATTI P. S. WARRISNAGER

Torture of a very old Muslim by Hindus

This village is in P.S. Samastipore. Two Muslims of Rasoolpore, Sayeed and Maulvi Md. Karim were passing through the village on their way to Rahimpore with a cow and a calf. Due to the severe floods, men and animals were all starving. The calf tumbled down on the road and expired. Of course the owner must have taken recourse to all sorts of devices such as twisting the tail and pressing the nose etc., to make a naughty animal rise but this proved too much for the starving animal, i.e. the emaciated and tired calf. An exasperated mob gathered there and dragged him to the house of Rai Saheb Sundar Singh in Keshopatti, where, Radhamohan the son of Rai Saheb put the respectable old man, leaving aside the young boy who was engaged by the owner to drive the cattle, to a horrible ordeal. Two bricks were put on the palms of the wretched old man, legs apart in a bowing condition; whenever the bricks fell down they all pounced on him some fisting the old man, some slapping and uprooting the beard (grey) and moustaches of their victim. When late at night they thought he was going to die, they put him on the darwaza (door shutters) of a goala on the road side. Fortunately being informed through the Muslim League the S. I. Samastipore could reach in time to save this man from dying. He took him to the Hospital immediately. The case was tried by a Hindu Sub-Deputy Magistrate, the witnesses were gained over, the Hindu Court Sub-Inspector took great care in declaring none of them hostile. The investigating officer B. Deonandan Sahai made contradictory statements, the learned pleader of the opposite side connived in his cross-examination (a comparison of his diary and judgement along with his statement in court would show how hopelessly biassed and negligent he was. In pre-Congress days his dismissal would have been sure at this foul play.) This investigating officer kept the S.P. and D.I. quite in the dark about the fact that he had already shown Radhamohan to the complainant and even a farcical identification parade was held after that, and here we find the last nail driven in the coffin of the prosecution case. In short the case failed more on account of biassed and careless statement of Deonandan Sahai, the I. O. and lack of proper prosecution of the case by the prosecuting officer (the Muslim prosecuting officer had been removed from Samasti-

pore just at that time) than on the lack of sufficient evidence.

These sudden transfers (in this and other communal matters) are inexplicable on any other basis but that of Government partiality for the Hindus and on no other basis.

6. VILLAGE CHARO, P. S. SAMASTIPORE

This village is in Warisnagar P. S. of Samastipore in the zemindari of the old Satmalpore Muslim family the leading member of which is one Muslehuddin Ahmed, B.A. (Alig.) a practising lawyer at Darbhanga who is also the Secretary of the District Muslim League. Muslehuddin has not only gained notoriety in the eyes of the Congress local officers as the right hand man of the Muslims but has also incurred the displeasure of the Congressite Hindus through his League activities. The Hindus of the elaka (locality) all of a sudden attacked his village market, looted and assaulted the Muslim shopkeepers and customers only and went to the length of blockading all the roads to the Police Station and eventually reached the borders of Satmalpore with a threatening attitude. But fortunately getting information that Muslehuddin though lying ill at his house was prepared to face them, and that the police also were approaching, went away dejected. The S. I. (Karamat Hossein Khan) took the S.P. (Mr. Walkar) who took timely action and an armed force was stationed at Charo. But for the stern attitude of the S. D. O. and the S.P., and the alertness of the S. I. another Barara would have been staged there. The pretext was that cows for slaughter are sold in this Muslim Hat (Open mart). However, seeing the helplessness of the situation and to allay and restore communal feelings, Mr. Muslehuddin was wise enough to get the matter compromised. The falsity of the statement of the Government Publicity Dept., would be brought to light only by the perusal of the compromise petition filed in the S.D.O's court along with the signatures of the Hindu Punches, by the Hindus. It was a communal case out and out, and not a market zemindari trouble or private quarrel as alleged by the Publicity Dept.

7. P. S. MADHIPURA

Cows looted, Case Compromised as a Result of Coercion

A few days before last Bakrid a large number of cows were snatched away after assaulting the Muslim cattle dealers in Madhipura Thana. A case was lodged before the S. D. O. Madhubani, but such coercion

was exercised that it had to be compromised.

8. VILLAGE PAGHARI

Cattle Looted

Some cattle dealers were carrying 60 cows through the District Board Road to Darbhanga, that suddenly the Hindus in village Paghari assaulted and dispersed the cattle. A case was lodged and again the remaining cattle was looted after the filing of the case. Another case had to be filed. The complainants are very poor, the result thus does not seem to be hopeful.

9. UDAIPORE P. S. ROSERA

Persecution of Muslim League Worker

The Congressites harassed the members of the Muslim League of this village to accept Congress membership. On their refusal they kept on entangling them in several criminal cases but fortunately all were dismissed by the S. D. O., as being false and baseless. In spite of all this, no prosecution under Section 211 I. P. C. was permitted to the complaining Muslim accused, against the Hindus, who had brought false charges against them.

DISTRICT BHAGALPUR

BHAGALPUR TOWN

One law for Hindus and another for Muslims

The report submitted by Maulvi Abdul Mannan, Secretary of Bhagalpur District Muslim League, relating to the various communal troubles in this District is set out in extenso—

"In the year 1938 the Congressites and Mahasabhites adopted an obstinate and defiant attitude in utter disregard of law, procedure and custom and in wilful defiance of the orders of the local Authorities that the new Rath Jatra procession must be taken out from the house of Chhote Lall at Qazichak in the town of Bhagalpur. The District Magistrate and the S. P. of Bhagalpur refused to grant them any license for this, as the official records proved that it was certainly an innovation. There was telephonic communication between the Bihar Congress Ministry and the Local Congressites and Mahasabhites. Over this and eventually as a result of their inso-

lently illegal insistence, the Premier sent for the District Magistrate of Bhagalpur at Patna. Congressites and Mahasabhites also went with him. All of them put their heads together as a result of which the District Magistrate came back entirely a changed officer and issued a license for taking out this new procession which had rightly and legally withheld for months. The result was serious communal riot the details of which have been published in the last Shareef Report.

"This year also both Mahasabhites and Congressites started the same old game of insolently illegal insistence which they merrily and in an unrestricted manner played last year over the New Rath Jatra processions from the house of Chote Lal at Qazichak. This year too, and in a large number fiery, abusive, provocative, and inflammatory leaflets in Hindi were issued and freely distributed, most of them without names of publishers and presses, inciting the Hindus to follow the example of their ancient heroes to shed blood of their enemies and to commit various acts of violence upon them and to crush them down. "The District Muslim League of Bhagalpur has in its possession as many as 20 of such leaflets, these are now before the committee and have been read. They vouch for the truth of the above statement. A translation of 2 such handbills is set out below :—

"It is now one month and a half that the Rath Jatra has been stopped and yet Hindus of Bhagalpur, what have you done? If nothing has been done by you then remember the 16th August with all diligence. And to accomplish it you may shake off lethargy and girding your loins now like a lion go to give your name with those who are among the carriers of the Rath. And with this unified and lion-hearted effort every Hindu may give as his portion of alms in the war for Hindus with his substance.

Publisher Pandit Gyanand Misr (Dictator)
Rath Yatra Unified Endeavour
Bhagalpur, Bihar
(Printed : Bihar Printing Works Ltd., Bhagalpur)"

SECOND LEAFLET

"O Hindus how long will you sleep in this endless sleep? To be sacrificed for religion is a feat of valour. He alone is man in this world and he only is true. Being without fear and with might serve religion. After death then drink the Nectar of life and obtain a

veritable [*sic.*] consummation.

"Dear Brethren,

To day you are tolerating all the innumerable slights and countless wrongs inflicted on your religion and your Sanskrit by the Muslim League, even then our Hindu brethren are sleeping an endless sleep and are not aware of the afflictions in the country. Have we not got in our veins the blood of such like persons as Guru Gobind Singh, Shri Krishna Ji, Birbal, Raj Singh and even Ram. Have we lost our state of a true Hindu and our Chivalry? Are we imbecile and timid? No, even today the blood of all the brave of India is undulating in our veins and surging like a violent sea-storm. We are the same today as we were before. In the end brethren, let us unite and show to the world that even today we have the blood of the brave like 'Hamir' flowing in us and our religious and communal feelings cannot be stopped by the whole world by anybody leave alone the Muslim League. The time has come for achieving something, and it must be done in its entirety, we must sacrifice for the religion and the caste all that we can.

Publisher
'A Hind Youth'

Note : It is a request made to the Hindu brethren that when they close their shops in Hartal they may bear in mind that if they open their shops they may do so at the expense of their religion. It is left to them to either earn Salvation or money.
Together with the above it is request [*sic.*] to the pleaders that by not going to courts they may observe complete Hartal."

"Several Public meetings were held from time to time in the town in which both Congressites and Mahasabhites participated, and delivered fiery, and provocative speeches villifying, [*sic.*] abusing and threatening the Muslims and the local officials.

"Moorakh Mandli" was organized and set up by the prominent and educated Congressites and Mahasabhites of Bhagalpur with the object of offending the Muslims and offering Satyagrah at the refusal of the District Magistrate to issue a license for this new procession. Some paid lowcaste Hindus were employed to offer Satyagrah and as a matter of fact they pulled out the Rath in defiance of the order under section 144 Cr. P. C., and they were thus taken into custody.

"It is now an open secret that the Congress Ministry of Bihar asked the District officers of Bhagalpur to grant a license on their

own responsibility but they refused to do so, as it would have been an innovation and wanted written order from the Government. The Bihar Government always hesitated for a long time to give such order. Congressites and Mahasabhites then formed themselves into a deputation and waited upon the Premier with the result that through his Parliamentary Secretary who went there personally and orally ordered the District Magistrate of Bhagalpur to issue a license for this new procession.

"This order of the Premier is wholly opposed to and in direct conflict with his previous pronouncements issued from time to time to the effect that no new procession should ever be taken out against established custom.

"Thus the District Officers of Bhagalpur have become mere nullities and their presence now in Bhagalpur is superfluous and the Honourable the Premier in violation of his solemn and unqualified pronouncement has usurped their functions. It can not now be denied that the Premier has deliberately interfered with the powers and functions of the District Officers of Bhagalpur not for the preservation and maintenance of Law and order but to fulfil the illegal demands and unjust wishes of the Hindus, to ride roughshod over the rights of the Muslims and to flout their religious sentiments.

"Thus the Law of Custom as far as the Hindus are concerned has been thrown to the winds and the new Rath procession was taken out on the 31st August 1939 through the principal roads of Bhagalpur where most of the big mosques are situated. Music was not stopped while passing by those mosques but it was played with great heat and enthusiasm indicating that the Hindus were the conquerors of the Muslims.

"About a dozen and a half of hired Hindus who were taken into custody for defying orders promulgated under section 144 Cr. P. C. were subsequently discharged without any trial.

"It is noteworthy to mention here that the District officers of Bhagalpur could have easily allowed the new procession to pass through routes where no mosques stand. But even in this respect the previous circular of the Bihar Government to the effect that "endeavours are made to ensure that the route taken by the procession are such as to avoid as far as possible passing mosques" is flouted. This rule was not adhered to in the case of this new Rath procession by the District Magistrate and S.P. of Bhagalpur. Thus we are forced to this conclusion

that while the Hindus may take out processions custom or no custom ; the Muslims may not perform cow-sacrifice against custom and sometimes even when there exists such custom.

2. MAJHAUL, MADHEPURA SUB-DIVISION

Trouble Over Cow-Sacrifice

"Majhaul is an exclusively Muslim village in the Sub-Division of Madhepura in the District of Bhagalpur. What happened in this village on the occasion of the Bakrid in the year 1938 finds mention in the previous Shareef Report. This year as many as 17 Muslims of Majhaul were put on trial under section 188 I. P. C. on the allegation that they after promulgation of an order under section 144 Cr. P. C. had sacrified four cows. These persons were ordered to be tried separately but the case proceeded only against Mohd. Yahya which ended in his acquittal. It had transpired in this case, there was oral and documentary evidence, showing that a custom of cow sacrifice had existed in this village from time immemorial and the acquittal of the accused proves that this evidence was believed to be true, by the Court. This was most likely a test case. As many as 24 Muslims of Majhaul were proceeded against under section 107 Cr. P. C. on the allegation that there was an apprehension of a breach of the peace during Bakrid between the Hindus and Muslims. After nine months after the Bakrid these Muslims have been ordered to execute bonds for Rs. 250/— each to maintain the peace for the period of one year from the date of the order and failing to do so shall be committed to prison and detained there until such period expires or before such a period expires they or any of them give security as ordered above.

"During the hearing of the above cases it has transpired in evidence, both oral and documentary, adduced on behalf of the Muslims that they have been sacrificing cows on the occasion of Bakrid from time immemorial. It has been admitted by one of the Hindu witnesses in the cross-examination that a Brahmin sold a cow to a Muslim butcher and the evidence of the latter is that he sold it to another Muslim who sacrificed the same on the occasion of the last Bakrid.

It has further transpired in evidence of the Deputy Magistrate who was specially deputed on the occasion of the last Bakrid in Majhaul that about six to seven hundred Hindus from villages far and near, armed with deadly weapons of different kinds, shouting provocative slogans and beating drums assembled within a few yards of Majhaul

and tried to rush there but were prevented by the armed police. It is further in evidence that on their return from Majhaul they damaged and set fire to the standing crops of the Muslims of Majhaul. The Hindu mob, as admitted by the Deputy Magistrate in his cross-examination, made these demonstrations for two days and stayed on from early in the morning till late in the afternoon. They formed themselves into an unlawful assembly, and committed various offences within the purview of the Indian Penal Code and the Criminal Procedure Code in the presence of the S. D. O. of Madhipura, Deputy Magistrate of Bhagalpur, Inspector and Sub-Inspector of Police and a large number of armed police for two days continually and yet none of the Hindu mob was arrested on the spot nor was this mob of the Hindus declared an unlawful assembly.

"After the Law of Custom was shattered to pieces by the Premier of Bihar in the case of the Bhagalpur new Rath Procession the Working Committee of the Bhagalpur District Muslim League issued a statement calling upon the Premier to do away with the law of Custom also as far as sacrifice of cows both on ceremonial, religious and every day use is concerned and strongly urged upon him the immediate withdrawal of all the cases then pending against the Muslims of Majhaul in the Court of the S. D. O. of Bhagalpur for sacrificing cows against the law of custom. A copy of this statement was sent to H. E. the Viceroy and Governor General of India, H. E. the Governor of Bihar, the Premier of Bihar and the local officials. Copies of this were also sent to the Indian Nation and the Searchlight and other Congress Newspapers in Calcutta but none of them had the courage or journalistic honesty to publish it. There is a striking matter which had to be mentioned here to show in what various ways the Muslims of Majhaul were oppressed and put to endless hardships and inconveniences. The above cases against them were started by the S. D. O. of Madhipura. The District Magistrate of Bhagalpur without giving notice to the Muslim accused, suddenly withdrew these cases under Section 528 Cr. P. C., from the file of the S. D.O. of Madhipura and made them over to the S. D. O. of Bhagalpur for disposal. It is understood that specific or sufficient reason was not given for this strange order. No case that was started against some of the Hindus for setting fire to the standing crops of the Muslims of Majhaul, was thus withdrawn by the District Magistrate. Just by way of consolation to the Muslims one case under section 107 Cr. P. C. against four Hindus was tried at Bhagalpur.

"The trial of these cases against the Muslims of Majhaul dragged on from 1st February to 21st September, 1939, and during this long period the poor and helpless Muslims of Majhaul had to come all the way from Majhaul to Bhagalpur several times, thereby incurring heavy pecuniary expenses in addition to physical inconveniences. The distance of Majhaul from Bhagalpur is about 50 miles. During the pendency of these cases the accused persons had to come to Bhagalpur both by land and water, and their inconveniences came to a height during the rainy season and it was not unoften that they had to wade through water for miles. It took two days for the Muslim accused persons to go to Bhagalpur and another two days to come back. It is true that the personal attendance of some of the Muslim accused was exempted by the court, but still the witnesses and some other accused persons had to attend court at Bhagalpur. They have been now rendered penniless and reduced to a most miserable and pitiable condition of starvation, helplessness, ruin and destruction.

"While these cases against the Muslims of Majhaul were still subjudice the Bihar Congress Ministry gave its clear final finding in the following words published on page 14 of the "Bihar Government reply to Muslim League Committee's allegations".

"This year the Muslims of Majhaul performed cow sacrifices secretly, in spite of prohibitory orders and the presence of the police and Magistrate in the village for which 27 of them are to be prosecuted."

This is another blunder of the Bihar Government which amounts clearly to contempt of Court. It certainly tends to vitiate justice and must have a demoralising effect on the subordinate Magistracy. There was a similar blunder made by the ex-Prime Minister, when he himself made statement on similar lines during the pendency of a case in village Meghwan which has been brought out in the last Shareef Report.

3. ARRAHA, MADHIPURA SUB-DIVISION

Brutal Assaults on Muslims in Mosques during Prayers

"Arraha is a village in the sub-division of Madhipura District Bhagalpur. It is at a distance of six miles from Madhipura where the S. D. O. resides. It consists of six Muslim houses and about 125 Hindu houses. Hindus are either Congressites or Mahasabhites there but they entered into a wholehearted alliance to attack and oppress the Muslims of Arraha.

"The Muslims of Arraha have a mosque of their own in this village where they offer their daily prayers and even Friday and Id prayers. On the accasion of Friday and Id prayers the Muslims of another neighbouring village whose number is very small also congregate there. This state of affairs continued peacefully and Hindus and Muslims lived there in a serene atmosphere of good-will and amity as they did in other places before the Congress assumed the reins of Government in its hands. The modus operandi of the Congressite and Mahasabhites against the Muslims of Arraha was started for the first time in the month of January 1939. They gave an ultimatum to the Muslims of Arraha to stop calling out Azan and offering Nimaz in their mosque else their life and property would be involved in never ending peril The Muslims refused to do so and they refused rightly and bravely like honest God-fearing and true followers of Islam. Thus a war was declared against them by the Hindus and every time the Azan was called out in the mosque and Muslims assembled there for prayer, Hindus of Arraha and neighbouring villages in hundreds armed with all sorts of deadly weapons, made it a regular routine to appear before it. They shouted abusive and provocative slogans, made ugly and offensive demonstrations, raised tremendous halla (noise), beat drums and blew conches and thus prevented the Muslims from offering Nimaz. Not resting content with these they pointing out to the Muslims sitting in the mosque for prayer shouted "Suar sab baitha hua hai." (Swine are sitting).

On the 23rd of May 1939 Hindus of Arraha rushed into the mosque with bhallas (pointed iron weapons) and lathis and cowardly and brutally assaulted helpless and defenceless Muslims who were actually engaged in offering prayers, with these weapons and desecrated badly and damaged immensely the mosque. Muslims on receiving injuries bled profusely on prayer mats and their blood rolled over the floor of the mosque. The assaulted Muslims were rendered unconscious and one of them who received serious bhala injury was about 70 years of age. Not satisfied with these acts of blood-shed and damage and destruction of the mosque the Hindus imbued with the idea that they are the rulers of Bihar rushed into the residential houses of the Muslims of Arraha, forcibly snatched away ornaments from the persons of their women, looted their cash, grains, utensils and other articles of every day use. There was a general panic, consternation and unrest and lawlessness at Arraha and it seemed as if Ram Raj had really been established

there for some hours, and till the arrival of the police from Madhipura, females, children and old persons shrieked, wept and ran to and fro for protection and hid themselves for safety in the fields. Two cases against the Hindus for the atrocities on the Muslims are pending in the Court of the S. D. O.

4. KAITHA, P. S. RAJAOUN

Muslims prevented from Offering Prayers. Boycott of Muslims

"Kaitha is a village in the jurisdiction of Thana Rajaoun, Sub-Division Banka, District Bhagalpur. It is at a distance of about six miles from the Thana and 14 miles from Bhagalpur and to the south of it. There are about 13 Muslim houses in the village. There is a very old mosque and a public Muslim graveyard in the village.

"On the occasion of the last Bakrid, 1st February 1939, when the Muslims of Kaitha had, as usual congregated in the Mosque to offer prayers of Bakrid and they were just to start Nimaz, a mob of about 700 Hindus armed with deadly weapons and shouting abusive and provocative slogans suddenly rushed into the village, stopped in front of the mosque and assumed a most threatening defiant and dangrous attitude. The Muslims finding themselves in a helpless situation deemed it proper to be on the guard for the safety of their life and property and remained standing in the mosque lest taking advantage of their being busy with Nimaz the mob might attack them, their females and children, and loot and damage their houses and property. The Muslims were so completely upset and terrorised, that they could not find an opportunity to offer Nimaz that day. The mob stayed in the village till late in the after-noon and even on the approach of the S. I. of police from Rajaoun they did not disperse. On the arrival of the S. D. O. from Banka with some armed police the mob dispersed and ran away. The Muslims then could sacrifice cows in the evening. The Hindu mob, as in the case of Majhaul, had also formed itself into an unlawful assembly and committed various offences and yet no arrest was made and no action was taken against any of them.

"The Bihar Government in its booklet "Bihar Government Reply to Muslim League Committee Allegations" have to admit on

page 11 of it as follows :—

"At village Kaitha P. S. Rajaoun, District Bhagalpur the Hindus suddenly collected on the first day of Bakrid and threatened to ransack the Muslim houses if they persisted in sacrificing cows." Being aware of these facts the Government did not order the prosecution of these Hindu members of the unlawful assembly.

"Considering that their attempt to prevent cow sacrifice at Kaitha was frustrated the Hindus with a vengeance completely boycotted the Muslims of Kaitha in every sphere of life. They insisted upon the Muslims and coerced them to give a written assurance that they would stop cow-sacrifice for ever, give up using beef, and should not call out their Azan loudly. The Muslims brushed aside the demand of the Hindus with the results that Hindu barbers, labourers (whom the Muslims had given money in advance) washermen, carpenters, blacksmiths and others stopped work. While this complete boycott of the Muslims was in full force, the Rubbi crops standing on their land were ripe for harvesting. Reapers who are all Hindus there refused to render any assistance and the crop of the Muslims was damaged and wasted. Hindus have also ploughed up a portion of the graveyard of the Muslims of Kaitha which exists on the land of a Muslim Zamindar. Information was given of this to the S. D. O. Banka but nothing has transpired what action he has taken against the wrong doers". These terrible things seem yet to have been left unpunished. Muslims even in their graves get no rest. For them in these days of Ram Raj there is no peace even after death.

5. GORHATTA, BHAGALPUR TOWN

Sacrificing Altar Constructed by the Chamars near Imambara

"Gorhatta is a mohalla in the town of Bhagalpur and within the Municipality. There is a pucca Imambara which has been in existence for about 30 years at about 250 yards from the Mujahidpur Police out-post.

"This Imambara has a compound of its own. It is now an established fact that the Chamars who are living close to the Imambara at the instigation of prominent Congressites and Mahasabhites of Bhagalpur stealthily fixed up during the night on or about the 5th of July 1939 a Malkath (sacrificial altar) at 12 cubits

to the north-west of the Imambara and its compound thereby wounding the feelings of the Muslims. The matter was immediately reported to the police and S. D. O. of Bhagalpur but no action has been taken by any of them and the Malkath still exists there.

Again no action was taken against Hindu offenders.

6. SULTANGANJ NEAR BHAGALPUR

"Sultanganj is at about a distance of 16 miles from Bhagalpur and to the west of it. Muslims here are very poor and helpless and most of them labourers. There are both Congress Mahasabha officers in Sultangunj and the Marwaris who predominate there are staunch supporters of these movements. They forcibly and contrary to custom took out a huge procession for the first time through a road by the side of which a mosque stands. This procession was re-informed by other processions which was never done before. This huge procession, members of which were armed with naked swords, bhalas, spears and lathis stood up in front of the mosque and deliberately made ugly demonstrations, shouted slogans and beat drums and blew conches. The Muslims who are in a minority there stood aloof but even then they were not spared and some days after this they were assaulted by the Hindus and completely boycotted. Again no action was taken against the Hindus who were given complete immunity from offences against the Muslims.

7. MANSOORGANJ, BHAGALPUR TOWN

"Mansoorganj is another mohalla in the town of Bhagalpur. There is an ancient mosque in this Mohalla to the west of the Municipal Park. With connivance of the Congressite and Mahasabhite Commissioners and Chairman of the Bhagalpur Municipality, the Hindus stealthily during night fixed up a Mahabiri Jhanda and Pinda within 25 cubits of this mosque and started an Akhara where they made noisy and ugly demonstrations at time of prayer. This matter was brought to the notice of the Municipality who admitted that the above Mahabiri Jhanda and Pinda had been constructed without the permission of the Municipality but they would not pass orders for their demolition. It was when the District Magistrate took up the matter, reported the conduct and attitude of the Municipality to the Government in this respect, that the Mahabiri Jhanda and Pinda were removed from this place but they have been put up in the

Municipal Park which is the property of the Government and is used by Hindus as well as by Muslims."

DISTRICT MONGHYR

VILLAGE NAWAGARHI, P. S. MOFASSIL

Hindu Procession Allowed. No Custom. Muslims Locked up in Thana, Prevented from Saying Prayers and Performing Sacrifice

In this village there is a Mohalla (quarter) which mostly consists of Muslim houses. The other Mohallas are populated mostly by the Hindus. No Hindu procession has ever passed this mosque. Last year the Hindus for the first time tried to take a procession past this mosque which led to some breach of the peace among these two communities. When the Mussalmans wanted to take some marriage procession by this road, license was not granted to them also on the ground that there [*sic*] might become a source of the breach of peace although the mohalla was an exclusively Muslims mohalla, but when the Hindus wanted to take out a procession the Mussalmans again objected on the ground that it will have to pass by the Mosque. Babu Nemdhari Singh, the President of Monghyr District Congress Committee, who was the Chairman of the Monghyr District Board as well insisted on permission being granted on the ground that it was a public thoroughfare and no attention should be paid to custom, and on the strength of the Congress Government being in power the procession was forcibly taken out by this route. It is a fact that this route did not lie between the places from where the procession was to start and where the Kali idol was to be cremated. There were different short and better routes available to Hindus to reach their destination, which routes passed only through the mohallas populated by the Hindus alone. After this followed the Bakrid. The Mussalmans wanted to sacrifice cows but they were not allowed to do so in the village on the ground of custom very likely, though on this point the report before us is silent, and on the Bakrid day the Muslims were all practically kept confined in their own houses.

2. VILLAGE SALIM NAGAR

Moharrum Procession Forcibly Obstructed by the Hindus in spite of Immemorial Custom

In this village from time immemorial all the Akharas in Moharrum used to gather in a particular field on the 7th and 10th of Moharrum. In 1938 when the Congress Government was in power the Hindus objected to it, on the ground that it destroyed their crops while laying no claim to the title and possession of that actual field. The Mussalmans took a compromising attitude and carved out a path for the Akharas. Subsequently the Hindus further improved upon their false case and alleged that the Mussalmans had no right or claim to that piece of land, and became determined to forcibly obstruct them while bringing [*sic.*] the Akharas. As a matter of fact that particular piece of land goes by the name which indicates that it is meant for this very use. The weakness and wrong leaning of the Government in favour of the Hindus is indicated in this way that knowing the Hindus to be offenders they did not take action under any prohibitive provision of law which are [*sic.*] often being used against the Muslims. The mischievous device of proceedings under section 107 Cr. P. C. was adopted whereby the Mussalmans have been put to the harassment of long and protracted litigation.

3. VILLAGE SHEIKHPURA P. S. SHEIKHPURA

Cow-sacrifice Prevented Though According to Terms of Compromise. Muslim Houses Looted and Destroyed and a Muslim Fatally Assaulted

In this village the custom of cow-killing prevails from times immemorial. On the occasion of the last Bakrid as the Hindus protested and were ready to obstruct the Muslims by force, Hindus from the neighbouring locality gathered in large numbers. Babu Chuni Das, President of the Sheikhpura Thana Congress was shown all the places where the old bones of the sacrificed animals used to be buried and the Mussalmans dug out some portions and the occular demonstration of those bones was made to Babu Chuni Das but the Ram Raj-intoxicated Hindus did not agree to led this custom continue and the poor Mussalmans were forced to enter into a compromise by which they agreed not to kill cows on Bakrid day and could only kill the animal at marriage

ceremonies. When after some time a marriage was to take place in a Muslim family and a Mussalman wanted to kill a cow for his domestic food, the Hindus again protested and their protest was so intense that the Military Police had to be deputed to control the situation and instead of preventing the Hindus from their unlawful act the Mussalmans were restrained from killing a cow even on this marriage occasion. A few days after when the Holi festival arrived the Hindus made all sorts of provocative demonstrations against the Muslims but the authorities took no action. The Mussalmans' thached roofs and their pieces of wood were forcibly removed from their houses and burnt but no relief was given to these Mussalmans by the authorities. The Hindus intoxicated by their power of Ramraj were so furious that one day they actually committed a riot because a Muslim Biri-seller refused to give Biri gratis. In this riot an innocent Mussalman, Mohammad Abdul Hamid who was coming from Calcutta and was on his way to home from the station was fatally assaulted and wounded in Mohalla Chakdiwan. No action of any kind was taken, as is generally the case against any of the offenders, though as will be seen, a Muslim was murdered. Obviously Muslim lives even have become very cheap under this Congress Government.

4. VILLAGE LAKHISARAI P. S. LAKHISARAI

Customary Muslim Procession Forcibly Obstructed and 5 Houses of Muslims Looted

It was customary in this village that the Moharrum and Chehlum processions used to be taken out. In April 1939 when the procession was passing the Hindus in a most organised form collected in very large number and attacked the Muslims. The police officers who accompanied the Muslim procession tried to pacify the Hindus but to no effect. Some police officers too were attacked and assaulted and received lathi blows. The Muslim procession which had already started being over-powered, had to come back and took shelter in the Thana for the whole night. A Hindu procession without a license simply to attack the Mussalman processionist was roaming throughout the streets the whole night without any obstruction from the police. The Mussalmans kept themselves confined in the Police Station for the whole night, aloof from their women and children. When they came out in the morning it was found that a Mussalman shopkeeper of wooden beds and 5 or 10 cart loads of watermelons of a Mussalman fruit-seller were looted. The

Hindu offenders again remained untouched. No action of any kind was taken against them. Hindu police officers even submitted to assaults by the Hindu mob. This is Hindu communalism run-amok.

5. VILLAGE BHATTA, P. S. LAKHISARAI

Mosque Wall Damaged, Quran Taken Away by the Hindus. No Prosecution of Hindus, Muslims Threatened with Proceedings under Section 211 I. P. C. if Complaint Filed

This village is surrounded on all sides by Hindu population who abound even inside the village. The Muslims are in a minority and are financially inferior. The Mussalmans established a Muslim League Committee in this village. The Hindus obstructed its regular activities and did not even allow the Muslim volunteers to sing the Muslim League song inside the village. One day there was some wordy warfare in this connection between some Hindus and the Muslim League workers. The next day as a consequence of this, the Hindus of the neighbouring village gathered there in thousands, and armed with deadly weapons assaulted and injured two Mussalmans who were working in their fields. They entered the mosque and damaged its wall and took away the articles including two copies of the Holy Quran which were kept inside the mosque. The police were informed in time but they kept quiet though sufficient damage was caused to the Mussalmans and their property. The Muslims were threatened not to file complaint else they would be prosecuted under section 211 I. P. C. and thus a forced compromise was signed. Thus did the Hindu offenders go unpunished even when a mosque and their Quran was desecrated and the religious feelings of the Muslims were so deeply wounded.

6. VILLAGE BALLIA P. S. BALLIA

Friction at District Board Election

On the occasion of the last District Board election when the Muslim League volunteers were peacefully doing their work of preaching to Muslims not to vote at the election Babu Brahmdeo Prasad M. L. A. who had brought some Mussalman voters to the election booth found that those voters went away without voting, in obedience to the injunction of the Provincial Muslim League. This annoyed him and organised attacks were made upon Muslim workers and voters, brickbats were thrown on them which injured seriously one Mr. Abdul Haque,

B. L., Vakil, Begusarai and he received a wound upon his head. The Muslim League workers remained calm even in spite of this provocation and the local police though aware of all these facts took no action and to crown all the Police Officers took the following Muslim League workers and volunteers into their custody, Maulvi Shah Wahiduddin, Maulvi Mohammed Balal, Shah Ghulam Mohiuddin and Sheikh Mohammed Cholhai. The treatment of the police with these arrested persons was so inhumane that when some of them wanted water they were abused and scolded.

7. P. S. SIMRI BAKHTIARPUR

Different law for Hindus and Muslims in Communal Matters

It was announced by printed leaflets that Honourable Babu Shrikrishna Sinha, Dr. Mahmood, Minister of Education and Mr. Abdul Bari, Deputy Speaker Behar Assembly were to come to this place on the 8th January 1939. On this news the Muslim League organised to show these two Muslim Government Officials black flags to indicate that they did not represent the Mussalmans. as a result of this six members of the Muslim National Guards who had started from their places with black flags could not show those flags because Dr. Mahmood did not pass that route, in spite of this the six volunteers were prosecuted under section 32 of the Police Act and they were convicted and detained in Jail. Even the prayer of the defence to treat them as political prisoners was not acceded to by the Magistrate who convicted them on the ground that such permission could only come from the Honourable the Minister. This is what the Magistrate said. In this connection a very clear comparison may be drawn between the treatment of the Muslim League volunteers and the Congress workers when on the 26th of August 1939 Mr. Subhas Chandra Bose came to Patna thousands of Congress volunteers had flocked into the streets of Patna with black flags, rushed to the station platform, blows were exchanged between the rightist and leftist groups of the Congress in the Railway Station compound, leading to a breack of the public peace. The regular passengers at the station platform were seriously disturbed but no action was taken, against any of them. The writer of this report with some other had on this account to catch the train at Dinapore 8 miles away, for Delhi to attend the All-India Muslim League Council Meeting at that place.

It was not even questioned why these volunteers with black flags had entered the station platform without platform tickets. A meeting

was to be held in the Bankipur maidan to be addressed by Mr. Subhas Bose where too, serious breaches of the peace occurred, hundreds of people were injured, so much so that they were sent to hospital, brickbats and shoes were openly hurled, but no action was taken whatsoever by the Government against the culprits. To crown all when on the 18th September, 1939 Mr. Syed Naimul Haq, a Muslim League member of the local Legislative Assembly, wanted to censure the Government through an adjournment motion on the floor of the house and to discuss the differential treatment meted out by the Government to the Hindus as compared with the Muslims, the Honourable the Prime Minister who claimed himself to be the champion of justice for the Muslims, had the hardihood to object to this adjournment motion though the facts were admitted and unchallengable and did not even allow the public to hear how injustice and oppression are being perpetuated [*sic.*] upon the Mussalmans in this Province by the Congress and how patent it has become during 2 years of its rule that there was one law for the Hindus and another for the Muslims and how communally and Hindu-ridden this party Government, posing as a nationalist Government really was. What faith can the Muslims have in such a Government and is it really surprising that they consider themselves as having been thrown to the wolves.

DISTRICT PURNEA

1. VILLAGE BARASAMATI AND TARONI P. S. DHANDAHA

Cow-Sacrifice

In this village the custom of cow sacrificing existed from time immemorial. Of late the Hindu inhabitants of the village with the assistance of the Government Congress Agents have been forcing the Mussalmans to give it up especially on the Qurbani days. Some Hindus obtained a civil decree for Rs. 660 against the Muslim residents of the village and resorted to the device of telling them that if they gave up the cow-sacrifice the decree would be considered to have been satisfied. The Mussalmans did not agree to it. During the two years the practice has been to put some Mussalmans of the village under arrest on the occasion of Bakrid and again after 2 or 3 days they are released without any further proceedings against them, which deprived them even from offering the Bakrid prayer. This year too the Sub-Inspector of Dhandaha police station arrested about 16 or 17 Muslims of the

village Barasmati before the Qurbani and sent them to Purnea and they were released after 3 days. The fact is that round about these villages there is no Hindu populated village for a distance of 8 square miles nor is there any land held by any Hindus. This obnoxious practice of confining several Muslims before the Bakrid deprives them, not only of performing the sacrifice but even offering their prayers; without any charge of any kind being proved against them is highly objectionable and cruel. It seems under this Government all things are possible against the Muslims.

2. VILLAGE JAMUA KHANGAR, P. S. ARARIA

Cow Sacrifice

In this village there are only a few Muslim houses but it is surrounded by the hamlets of Hindus, Brahmins by caste, who are the influential and well-to-do people of the locality. Last year these Hindus realised a good deal of money from the Musalmans of this village as a fine for their sacrificing the cows. These poor Muslims who could not afford to pay this fine were punished by their cattle being sent to the kine house. The S.D.O. of Araria knew of all these facts through the local Muslim League. On enquiry the whole thing was found to be correct but no step was taken against the perpetrators of the crime; and to crown all on the occasion of the last Bakrid cow sacrifice was completely stopped. This again was a case of no action being taken against Hindu offenders.

3. VILLAGE BASPUR HAT, P. S. ARARIA

Cow-Sacrifice

Last year on the occasion of Bakrid an order under section 144 Cr. P. C. was enforced at the instance of the local Hindus and marwaris, and a Military force was deputed, although no enquiry was made as to the prevalence of the custom of cow-sacrifice.

4. VILLAGE BAGUE P. S. BAHADURGANJ

Migration Due to Hostility of Hindu Villagers

One Hakim Tajamul Husain of Village Bague P. S. Bahadurganj, who was practising there as a physician from before had to migrate from this village with his Tibbi dispensary due to the embittered feelings prevailing there.

5. VILLAGE AND P. S. ISLAMPORE HAT

Unauthorised Construction of Hindu Temple on Muslim Waqf Trust Land

Some Congressmen including Hari Mohan and Chara Mohan constructed a temple on a piece of the Muslim waqf land in this village against the wishes of the Mutawalli Maulvi Chaudhry Muhammad Yusuf Sahib and other Muslims. This temple's foundation was dug just in front of a mosque. The Muslim residents of the village and Mutawalli became very much perturbed but could do nothing for fear of the Congress Government.

6. VILLAGE DASLEARI P. S. THAKURGANJ

Urine Passed into the Mouth of a Muslim

The cattle of some Hindus were grazing the standing crops of one Mussalman Sukaroo who, while taking them to the kine house, was molested by the Hindu residents of that village *viz.* Parasnath, Soban, Jogandes, Kaloo, Jonandar etc. who passed urine into the mouth of this Mussalman Sukaroo. This gave an opportunity to the Congressmen of the locality specially to the local Congress Secretary Sukhdip Babaji for making money and he realised a sum of Rs. 30/- from the above named Hindus. But no redress whatsoever was done to the poor Sukaroo Mian either by the Government authorities or by the Congress. This was a case of horrible atrocity on a defenceless Muslim. It seems difficult to imagine that such things are possible in modern times and what seems equally incredible and condemnable is that even such crimes go unpunished in the days of Hindu or Ram Raj.

DISTRICT SANTAL PARGANAS

SAHEBGANJ, SUB-DIVISION RAJMAHAL

1. Excesses by Hindus on Muslims

On the 29th March 1939 on the occasion of Ramnaumi the Hindus took out the Mahabiri Dal procession. They wanted to adopt the route of L. C. Road on which two mosques are situated, and no such procession had ever passed along this route. This forcible attempt of the Hindus was foisted [*sic.*] by the Muslims. The enraged Hindus as a consequence looted the shops of various Muslim tailors broke their

machine-stands and threw them into the Ganges. The shops of the Muslim vegetable sellers were also plundered, two Muslim boys received bhalas and banna (sharp-edged and pointed instruments) wounds. All these matters were reported to the police but without any relief to the afflicted Mussalmans. In this connection 7 innocent Muslims were arrested who were in the end after great harassment released. In the case of these excesses by the Hindus, as has been the invariable rule no action was taken against the oppressors, on the other hand the oppressed and defenceless Muslims were arrested, harassed unnecessarily and released. This is a sufficient commentary on the actions of a supposed Democratic Government.

2. Vagaries of an S.D.O.

The S. D. O. who is a Hindu gentleman prevented the Muslim National Guard from having their drills in the camping ground of Sahebganj and the Captain was the victim of harsh words from the S.D.O. This shows the Government Official's hostility to the Muslim League.

3. Dr. Rajendra Prasad's Visit to Sahebganj

Mr. Masihur Rahman, Secretary Sahebganj Muslim League, having heard the news that on the 15th June Babu Rajendra Prasad, Congress President, was to pass in a procession through L. C. Road sent an official letter to the Police Officer Incharge enquiring as to the truth of this rumour as the Muslims of the locality were very much perturbed on hearing the news. Hitherto no Hindu procession has passed this route. There are two mosques situated here. The police officer sent for Mr. Masihur Rahman, the latter went to the police officer and he was assured by the police officer that the procession would not pass that route. On the 15th June, Mr. Masihur Rahman was set for by Mr. J. K. Saran the S. D. O. Rajmahal, (Sahebganj) in compliance with which Mr. Masihur Rahman went to the Bunglow [*sic.*] and saw the S. D. O., who talked to him in angry mood and very arrogantly. In this connection it will be better if the complete dialogue which passed between the S. D. O. and the Secretary of the Muslim League is set out; it is as follows:—

"S.D.O. : (While opening the letter). Was this letter written by you?

"Secretary Muslim League: Yes, I wrote this letter.

"S.D.O.: Why did you write this letter?

"Secretary: Because this rumour reached me and I wanted to know the real fact so that I might pacify the Mussalmans.

"S.D.O.: Has No procession ever passed this road?

"Secretary: Except the Moharrum procession, no other procession has uptil now passed this road.

"S.D.O.: This is not a re'igious procession of the Hindus rather it is a Congress procession which belongs to both Hindus and Muslims.

"Secretary": But you know that the Muslims do not accept the Congress as their Institution.

"S.D.O.": What is the value of non-acceptance of you (tum) ten men of the Muslim League.

"Secretary": That is your view.

"S.D.O.": Then you will not allow Rajendra Prasad to pass by the route (nahin jane doge?)

"Secretary": Rajendar Babu can gladly go by this route because it is a public road. The Muslims object to the procession which consists of music, drum and other noises.

"S.D.O.": Then should Rajendar Babu pass in a sorrowful mood (moharrumi shakal) in silence. This cannot be done. I shall take the procession with music and drum what will you (tum log) do?

"Secretary": You are officer of this place, you have every liberty, you can do what you like.

"S.D.O.": (Tum bahut hi barh barh kar baten karte ho tum Sahebganj shahr chhor kar chale jao) You talk over your head, you had better leave Sahebganj.

"Secretary": You must give me a written order, I shall leave Sahebganj.

"S.D.O.": (Tum bahut bat banate ho chand-roz hue ki tum logon ne fisad kiya tha) You talk a great deal. Not long ago you all created mischief.

"Secretary": You must have come to know who had committed excess in it.

"S.D.O.": Yes I know you people had committed the excess.

"Secretary": Then why did you not punish us?

"S.D.O.": I abstained at that time.

"Secretary": Then now you punish those people who had eommitted excesses then.

"S.D.O.": (Tum bahut batuni ho) You seem to be a coiner of words.

·'Secretary": That is your view.

"S.D.O.": The blood of you Mussalmans has not as yet been cooled I shall crush the Sahebganj Mussalmans, I shall shoot down the Mussalmans of this place. I shall assault the Mussalmans and set them right.

"Secretary": You have the liberty, you can do what you like.

' S.D.O.": You Mussalmans want to commit mischief.

"Secretary": There is no one more peace-loving than the Muslims.

"S.D.O.": You people must be on your guard, I shall set Mussalmans right.

"Secretary": We are on our guard.

Dr. Rajendra Prasad visited this place that very day. He stayed with Babu Fauji Lal in the evening. He, with the band of Congress volunteers, passed in a procession along that route. The processionists were making noise, singing the song of Bande Matram and especially near the mosque and the office of the Muslim League. The cry of "Gandhi ji ki jai" was made in a most loud and provocative manner; but the Muslims remained peaceful and allowed the procession to pass through unobstructed.

A few prominent Muslim Members of the Muslim League in this connection wrote an official letter that day to Babu Rajendra Prasad and sought an interview with him so that he might be apprised of all the facts and happenings at the place, visited by him, that very day. But the esteemed Congress President had no even the courtesy to reply to the letter.

This interview and the facts were intimated to the Chief Secretary, Government of Bihar, Commissioner of Bhagalpur, Deputy Commissioner, Dumka through written letters but no reply was received. The facts have appeared in the Urdu paper of Patna "The Muslim League" dated 7th July 1939, "Asre Jadid" of Calcutta dated 28th July 1939 and "Paisa Akhbar" dated 3rd August, 1939.

4. Vagaries of an S.D.O.

[An] Instance of the Hindu S.D.O's oppressive tactics against the Mussalman citizens may be quoted that in the month of August 1939, certain Muslims who were workers of the Muslim League had prudently purchased some pieces of wood belonging to the Hindus which were

attached by the Government and sold at an auction sale. These Muslim auction purchasers were held up through a warrant by this S. D. O., Mr. J. K. Saran, in spite of the fact that they hold regular receipt for the goods. The S. D. O. ordered them to return those pieces of wood. These Muslims appealed against this order to the Deputy Commissioner of Santal Parganas who held the Muslims to be the lawful owners of these pieces of wood and set aside the order of the said S. D. O.

5. Trenching Ground and Wine Shops Placed Near Muslim Places of Prayer and Burial Ground

The Muslim grave-yard and the Id-gah are equidistant from the Municipal trenching ground and the wine shop which has been established very close to these religious places of the Muslims. The present officials and the Congress Ministers were moved on several occasions to remove this trenching ground and the wine shop from that locality, or even in justice to the Muslim cause, at least to comply with the Provision of the Excise Act which prescribes a limit within which no Excise shop should be allowed to exist near a grave-yard or kindred places. This wine shop is only at a distance of 9 feet from the grave-yard and the Id-gah, though the legally prescribed limit is of 50 yards but with all this the Congress Government has paid no attention to this grievance.

6. Hindu Procession Permitted Though No Custom

Kali Durga procession has begun to pass by the mosque situated at Banihi road (Bichla Mahal) only since last year with music, drum and other noises. The attention of the Police and the other Government officials was drawn to this innovation but they paid no heed to it. Now the matter had gone so far that ordinary marriage processions pass through this road without any restriction even at the time of prayer.

7. S.D.O.'s Obnoxious Words Against Muslim League Secretary

Another instance of the arrogance of this S. D. O. which may be noted is that he is reported to have used most detestable words about Mr. A. Mannan, a very esteemed and prominent Muslim League worker of the province, who at present holds office of the Secretary of the Muslim League of the District of Bhagalpur.

DISTRICT HAZARIBAGH

1. VILLAGE KESADA, P. S. BAGODAR

Prohibition to the Construction of Mosques

Since the advent of the Congress Government there is a movement afoot in the District that the Muslims should not be allowed to construct mosques. Only those instances are being cited which have actually come before the courts of law.

Village Kesada P. S. Bagodar, District Hazaribagh consists of about an equal number of Muslim and Hindu houses. The Muslims wanted to reconstruct a kacha (made of mud) mosque into a pucca one or may be, they wanted to construct altogether a new mosque in a Mohalla (quarter) of the Muslims. The Hindus objected and the feeling became so strained that a case under section 144 Cr. P. C. was started against both Hindus and the Muslims. The case has ultimately been compromised. The Muslims have been allowed to construct the mosque on condition that they won't object to the passing of the Ramnaumi procession with music except at prayer time.

One or two things in this connection may also be mentioned. In this village the Muslims have always been performing cow-sacrifice during Bakrid. From the police report it will be found that at the suggestion of Inspector of Police, Kodarma, (he is the same Inspector of Police at whose instance a compromise petition was written in the Tilokri Riot case mentioned in Shareef Report (1937-38), and the Sub-Inspector, a compromise petition was written in this case also in which it was mentioned that the Muslims would never perform cow-sacrifice. The Muslims however, came to know of it and the compromise petition was cancelled and a new compromise was effected and the case under Section 144 Cr. P. C. was dropped as mentioned above.

2. VILLAGE RAMGARH

Hindu processions and Cow-Sacrifice, Two Different Principles

It is well known that at Ramgarh there was a distinct understanding between the two communities (though verbal) that the Hindus won't take out any procession and the Muslims in their turn won't perform cow-sacrifice and as a matter of fact no procession had been taken out in that village. But this year in spite of the fact that the Muslims

filed a petition before the Deputy Commissioner, contrary to all customs the Hindus were allowed to take out a procession.

3. VILLAGE MATWARI, P. S. SADAR

Riots and Serious Injuries Caused to Muslims by Hindu Rioters

There is a village Matwari on the outskirts of Hazaribagh town within about a mile from the Sadar Thana. There are about 40 houses of Muslims and over 250 houses of Hindus. A mosque is being constructed by the Muslims in the Village. As usual without rhyms [*sic.*] or reason, the Hindus started objections. The Hindus applied to the authorities for a licence to take out a Ramnaumi procession which was granted to them to pass by the usual route which they had been using, for the last 8 or 9 years. The Hindus led and assisted by [a] certain town gentleman and backed by the gowalas (Milkmen) of the town (some of them are ex-convicts in communal riots) started spreading the rumour that they would force the procession through the prohibited road of Matwari on which lies the mosque. A day previous the Superintendent of Police and the Sub-Divisional Officer were approached and they made it clearly plain that the Hindus would have to pass by the prescribed route.

On the 29th March 1939 a large procession consisting of 8 to 10 thousand Hindus passed in the town through the Middle Bridge Road on which is the Juma (Main) mosque, and just near it, the Hindus acted in a most provocative way, but the Muslims remained perfectly silent and the procession passed. While this was going on in the town, in Matwari the Hindu processionists of Matwari and Korra had collected with flags at a little distance from the prohibited road and were shouting out abuses to the Muslims and were saying that when the Hindus of town would come they would force their way through the prohibited road where the Muslim houses lie. At about 4 o'clock the town processionists in which there are hundreds ot gowalas numbering about 4 to 5 thousand left the town procession near Ekpatia Mahall and ran armed with lathis, sword, phalsas (spears) etc., unchecked by the police to Matwari and there they joined the processionists and started a rush with abuses through the prohibited road. The police including the Superintendent of Police etc., wanted to stop the procession, but some of the officers were pushed down by the Hindus, and they forced their way and started assaulting the Muslims with deadly weapons inflicting serious injuries

on several Muslims and the processionists stoned the Muslims and damaged their houses with stones and lathis. Four Muslims were seriously injured. The Hindus did not spare the passers-by and young school boys. One Shah Saheb who was coming on the road was also severely assaulted on the road.

In spite of strong rumours of impending danger to Matwari Muslims, a fact known to police and the authorities, no adequate arrangement was made for the protection of the Matwari Muslims and it is even more deplorable that the Hazaribagh processionists' rush to Matwari was unchecked by the police, as without this large outside mob, a riot would have been impossible.

DISTRICT RANCHI

1. VILLAGE CHAKMAI P. S. BURMAO

Emperor Vs. Abdul Ghaffar and 3 others of Chakmai Harassment of Muslims. Communal Cases

The police at the instance of the Hindus of village Chakmai, P. S. Burmao, District Ranchi, instituted a case u/s 107 Cr. P. C. against the above named Muslims of the said village for forcibly ploughing up a field leading to their burial ground. Bishambhar Chaudhry, Esqr. Magistrate 1st Class, Ranchi held a local enquiry into the matter and found that the Hindus were the aggressors that were trying to coerce the Muslims who were in minority in the village and dropped the proceedings. No action was taken against the Hindus.

2. CHAKMAI P. S. BURMAO

Emperor Vs. Abdul Gaffar Khan and 13 others

At the instance of the Hindus of village Chakmai, P. S. Burmao District Ranchi, the police of Burmao sent up the above Muslims under section 147 and 149 I. P. C. for uprooting and destroying the Mahabiri Jhanda of the Hindus. Bishambhar Chaudhry Esqr., Magistrate 1st class, Ranchi to whom the case was transferred for disposal found the above Muslims guilty under the said counts and sentenced them to pay a fine of Rs. 60/- each.

On appeal the Judicial Commissioner of Ranchi founded the case false and acquitted all of them. Thus we see that the Hindus were

at fault. The Muslims were persecuted and ultimately acquitted after a great deal of unncessary harassment.

3. S. D. KHUNTI

In this place the Muslims have no right to sacrifice cows during the Bakrid. This right was given to them by an S. D. O. to which the Hindus objected and a compromise was arrived at between them that neither the Hindus nor the Muslims would commence any new movement. This year when the Congress Government declared this policy to discourage cow-sacrifice, where there was no customs of cow-sacrifice, the Hindus took this as an opportune moment and started a new procession of Ramnaumi, against the terms of the compromise. The Muslims objected to this, when the then S. D. O. refused to maintain the status quo for fear of the Congress Government.

As a matter of fact cows are slaughtered at Khunti on ordinary days but this right is denied to the Muslims and they cannot sacrifice cows which is their religious duty during Bakrid.

DISTRICT PALAMAU

VILLAGE HAIDARNAGAR P. S. HOSSAINABAD

A Government Press Note published in the Indian Nation of the 8th November, 1939 is set out below in extenso :—

"On the 22nd October, 1939, the Hindus of village Haidarnagar and other neighbouring villages numbering about 1,000 took out their usual Dasahra procession. According to an agreement arrived at between Hindus and Muslims of the locality in 1936 it was decided that neither Hindu processions should play music before the local mosque nor Muslim processions should play music before the temple irrespective of the fact whether or not prayers or worship were in progress in the mosque or the temple. This agreement, though not a written one, had subsequently been acted upon by the communities, with the result that such processions were free from any trouble during the last two years. The usual police arrangements were made this year also and a Sub-Inspector with 3 constables and 16 chaukidars was deputed for duty with the procession. The procession passed the mosque without music at about 6.30 p. m. Before the procession arrived in front of the mosque, the Sub-Inspector had inquired and satisfied himself that the evening prayers in the mosque were over. When the main procession with images had gone

about 50 steps beyond the mosque, the Sub-Inspector, who was in front of the procession heard some noise from the rear of the procession. He rushed back and noticed that Hindus were attacking the mosque with brickbats and lathis. He with the aid of the police force, intervened and succeeded in dispersing the rioters who numbered between 400 to 500. But in this attempt the Sub-Inspector and 4 chaukidars received slight injuries. 3 Muslims, 2 outside the mosque and 1 inside, also received slight injuries. The rioters are alleged to have removed the front door of the mosque, which was later recovered from a neighbouring well. Two Muslims houses in the vicinity of the mosque are also alleged to have been attacked and a prayer-mat and lantern removed from the verandah of one Ellahi Bux. "It is not clear from the reports so far received as to how the trouble originated. But it is gathered that 3 musicians who were separated from the main procession and were doing on their own, blew horns while passing in front of the mosque. Two Muslims who were standing at that time in front of the mosque, objected to this. Thereupon an altercation ensued with the consequent attack on the mosque by the Hindu processionists. It may be stated here that the main procession had already passed without music as stated above.

"The Superintendent of police was immediately on the scene of occurrence and found the situation peaceful.

Fourteen Hindus have been arrested in connection with the rioting."

This Press Note was issued by the present Government within 4 or 5 days of their taking over the Government of this Province. It seems refreshing to find that the Hindus have been found to be in the wrong and the Muslims in the right, a thing which never seems to have taken place during the whole course of 27 months that the Congress Government was in power in this Province. A perusal of almost every page of this Report, would show that during the Congress regime there is hardly a case of communal trouble, in which the Muslims have ever been found to be in the right or the Hindus ever in the wrong. Comment seems superfluous.

DISTRICT MANBHUM

JHARIA

Lately a Hindu *Budmas* Jang Bahadur Singh tried to turn out from a house, a Muslim who was in possession of a house for the last 11 or 12

years and on this there was a general quarrel between them. It may be noted here that the Muslim was also a bad character. Seeing this incident, the Secretary of the Jharia Coal Field Muslim League and another Muslim Leaguer ran to the spot and removed the Muslim to some distance from the place. Meanwhile a batch of 30 or 40 Hindus came running armed with lathis and bhalas (pointed instruments). Two Muslims ran to inform the Additional Deputy Commissioner who was at that time attending a meeting at Jharia at a short distance from the place of incident, say five minutes walk. On receiving this information the A. D. C. came to the spot and in the meanwhile the police also arrived. The A. D. C. ordered the police to take action. Next day the police arrested eight Muslims and nine Hindus. The gentleman who informed the A. D. C. was the Secretary of the Jharia Coalfield Muslim League and the irony of fate is, that he was also made an accused. The police did not take any action against those who came armed with lathis and bhalas, but picked up some names from here and there of some Hindus and Muslims. On the date of hearing of the case a compromise was suggested by the Court. All signed the compromise except one Hindu and the Secretary of the Muslim League. The said Hindu did not file any petition or take any step in the case. But the Muslim, the Secretary filed a petition before the Court, declaring his innocence and protesting strongly against the action of the police, relating all the steps that were taken by him and mentioning the names of very respectable witnesses both Hindus and Muslims including the A. D. C.

A similar petition was also filed before the A. D. C. and the Superintendent of Police challenging the police to either withdraw the case or proceed against him. Ultimately the case was withdrawn against the Secretary of the Muslim League, Mr. Abdul Jabbar and the compromise petition of the others and apology were accepted.

DISTRICT SINGHBHUM

CHAIBASSA

1. The Muslims of this place for several years had been saying Id and Bakrid prayers on a plot of land which was ghair-mazrua (uncultivated). During the Congress regime they were deprived of the use of this public land which had been granted to them long ago. Now they have no place for saying their congregational prayers on these festive occasions.

2. There is a plot of land which was being used by the Muslims of this place for a very long time on the occasion of celebration of Moharrum. The Moharrum Akhara is being held here, the land is plot No. 3287 within the possession of Khas Mahal (Government State). After the advent of the Congress Government the Muslims in spite of their protests and various requests were deprived of the use of the land and the Government permitted a Petrol Company to sink its oil tank on this land which naturally rendered the land unfit for such use as the Muslims were making.

Appendix A to Part II

DISTRICT PATNA

VILLAGE SURTHUAH P. S. FATWA

This is the case of a most brutal nature and shows the mentality of the Hindus under the intoxication of the Hindu Raj and the omission and slackness on the part of the Police to stop the evil in the beginning and to do away with the root cause. The case to which the reference is being made was pending in the court of the Sub-Divisional Officer, Barh, and the proceeding did not come to a close till the 11th of December, 1939. This is the reason why this case could not form part of the Report and the Committee could not discuss it, the matter being a [*sic.*] subjudice. In this village a dozen families of Muslims who number about 75 and owned houses and land and have lived for ages in this village were obliged to leave their hearth, home and properties and migrated from this village being harassed and molested by their Hindu co-villagers. The reason for this was perhaps that the Muslims of this place had organised a Muslim League in their village. This molestation of the Muslims and migration took place 6 months ago ; and the causes leading to this were being pelted with stones and brick-bats were thrown into them. The majority of the houses contained only female members as the males were away on duty to Calcutta and other outside places. These helpless women being thus harassed in the absence of their male relations called for the latter and they had to come away leaving their duties abroad just to protect their families. On the arrival of these male members they found that this pelting of stones at night continued as usual and thus they were in a way forced by their Hindu neighbours to leave this village or live without having an organised body of their own viz the Muslim League. The Muslims preferred the former and migrated. They agreed to go back to their old village and live there as before only on the written assurance given by the Hindus that they would not molest the Muslims any more. If the slackened Congress Police would have cared to catch the culprit and punish the offenders in the very beginning this agony and molestation would not have been caused to the Muslims.

Part III

INTERFERENCE WITH MUSLIM LANGUAGE AND CULTURE AND MUSLIM GRIEVANCES IN SERVICES

In the pages that have preceded, cases of oppressions of Muslims in Bihar during the Congress regime relating to cow-sacrifice, lootings, arson, murders of helpless Muslims, interference with call to prayers, desecration, and demolition of mosques, the granting of permissions to new Hindu processions resulting in tyranny by the majority over the minority and other such matters have been set out. In the following few pages it is proposed to give some cases relating to the smallness of appointments given to Muslims as compared with Non-Muslims and the interference with the Muslim Language and Culture.

Interference with Muslim Language and Culture

The blight of the Wardha Scheme, should it unfortunately prove effective, has been dealt with in an earlier portion of the Report and nothing need be further written on this subject excepting the matters mentioned below :—

1. SHAHABAD DISTRICT

FIGURES IN 1839-1939

(*a*) Managed School

Muslims 4 out of 19

Muslims 20% or less

Funds Allotted

Hindus Rs. 4124/4/-

Muslims Rs. 737/4/-

MUSLIMS HAVE 6.6%

(*b*) Stipendiary U.P. Schools

Muslims Nil out of 6

Funds Allotted

Hindus Rs. 766/-

Muslims *Nil*

PERCENTAGE OF FUNDS NIL

Stipendiary Lower Primary Schools.

Muslims Nil out of 16

Funds Allotted

Hindus Rs. 4134/-

Muslims *Nil*

PERCENTAGE OF FUNDS NIL

II. DISTRICT CHAMPARAN

In this District there are 70 Middle English and Vernacular Schools, but amongst them, there are only 3 Middle English Schools on an Urdu basis. In these 70 Schools there are only 3 Muslim Headmasters.

3 MUSLIMS OUT OF 70 SCHOOLS : 4.3 p.c.

III. DISTRICT PURNEA

(*a*) KISHUNGANJ

Language and Culture Urdu

Babu Janki Prasad Munsif 11 Kishunganj dismissed a suit mentioned below merely on the ground of the Hindi copy of the plaint now not having been filed :—

RENT SUIT NO. 263 OF 1937

Court of Munsif 11 Kishunganj

Mossammat Chhepo and other—*Plaintiff*

Versus

Batori Ram—*Defendant*

In the above suit the plaint as well as its copy and the summons were filed in Urdu script.

(*b*) KHARAG

Urdu

In the year 1937 Rai Sahab Nil Lohat Bhattacharji Manager, Khagra Wards Estate (which is a Muslim estate) passed written orders to his staff that only Hindi, Bengali and English language should be used in his office and no member of the staff was allowed to use Urdu for the office work. When the content of the mischievous notice of the Manager was published in the local Urdu newspaper Aina, one Maulvi Abdul Jabbar the record keeper was dismissed on the ground of having published this notice in the Aina.

IV. DISTRICT GAYA

In the district of Gaya there are three posts of S. I. Schools which had been hitherto always held by the Muslims. One of these three posts fell vacant this year. The District Sub-Inspector of Schools and the District Board have recommended a non-Muslim for this vacancy which seems the upsetting of accepted facts, in favour of Hindus to the

injuries of Muslims.

V. DISTRICT MONGHYR

There is a Primary Maktab in village Danyalpore in P. S. Teghra in Sub-Division Begusarai, District Monghyr. The residents of that village at a public meeting under the presidentship of a Hindu gentleman, Babu Ramphal Missra prayed to raise it to upper primary standard which had been granted by the Deputy Inspector of Schools Begusarai. The residents themselves provided for the salary of the third teacher. This order however was subsequently counter-manded by Babu Ram Chariter Singh, MLA, the present General Secretary of Bihar Provincial Congress Committee who went even further and suspended the aid to this Maktab which had hitherto been given to it. This action of Babu Ram Chariter Singh is wholly detrimental to the interest of both the Hindu and Muslim residents of that village. This action of the Chairman of the Local Board seems wholly objectionable, an instance of bias in the minds of the officials when the interest of the Muslims Language and Culture is concerned.

There have also been other cases in which such "aid" have [*sic.*] been stopped with the result that there are general complaints amongst the Muslims in regard to such matters.

Muslims' Grievances in the Services

As regards the percentages of Muslims appointed to various Government Departments we have to point out that the Muslims form 12·87 per cent of the population of Bihar according to the last census. It has however been an accepted principle that, in appointments to the various services in Bihar under the Government, the Muslims should have an allotment of 25 per cent of all posts. As has already been pointed out in earlier portion of this report, it is not possible for a non-official Committee such as this is, to ascertain the percentages of the Muslim appointments in all the various services and that this is only possible at considerable expense and labour which this Committee with its very small funds and staff has not been able to undertake. The Committee, however, has been able to obtain some statistics relating to some departments from non-official sources.

The Committee is compelled, however, to say that the late Bihar Government with its immense staff and huge establishments in its numerous departments could easily have given complete, full and

comprehensive figures showing the appointments of Muslims and Non-Muslims in its various services. This, the Government could have done, but did not do. The inference to be drawn from this omission needs no comment. The Bihar Government in its reply to the Pirpore Report gives the following heading to the first portion of their reply, "The Activities of the Government in furthering Muslim Interests". Certain appointments without doubt were made of Muslims during the Congress regime but these were in the ordinary course of duty, as in the cases of Non-Muslims in the various services. They were but belated acts of justice and it is surprising that the Government claimed credit for what in the ordinary course of administration it was bound to do. The facts and figures obtained which are given below, however, tell a different tale. From the figures that have become available to us, it will clearly appear that the appointments given to Muslims are very much below 25% and in some case very much below even that their small population would justify. From these figures, we are unable to say what the percentages of appointments to Muslims were when the Congress took office. These figures show the percentages of appointments to Muslims as they existed in fact at the time the Congress Ministers resigned. We are unable therefore to say whether the percentages of Muslims in the services has [*sic.*] been increased or decreased during the Congress regime. The Congress Government in its reply to the Pirpore Report in giving certain statistic [*sic.*] on the subject could easily have cleared up this doubt if they had thought fit. They did not think fit to do so. This omission also carries its own implications.

A large number of complaints have been received relating to hardships and gross injustices to certain Muslims already in Government Services. None of these complaints have come from these employees themselves, in fact there have been some cases, in which we have been requested not to refer to their particular cases. It is for these reasons that no reference is made in this Report to any special case of grievances. We however wish to state that these cases appear to us to be authentic cases of injustice.

INCOME TAX DEPARTMENT

Details of Posts

1. Income Tax Officers

Hindus	....	12
Muslims	....	2

2. Assistant Income Tax Officers

Hindus	....	*Nil*
Muslims	....	*Nil*

3. Assistant Commissioners

Hindus	....	3
Muslims	....	*Nil*

PERCENTAGES

Hindus	....	15
Muslims	....	2

MUSLIMS 2 OUT OF 17=12%

Amongst the Non-Gazetted officers in this department, no Muslim in the whole Province holds any high post such as that of Head Clerk or Head Assistant.

FINANCE DEPARTMENT

List of assistants employed in the Finance Department with their pay corrected up to 1st September 1937.

Upper Division

(Rs. 350—20—450) Class I

1. Babu Narsingh Prasad.
   (New entrant—Scale Rs. 300—15—375)
2. Babu Radhashyam Dutta.

1 (Rs. 275) Class II

3. Babu Sunil Chandra Das Gupta.

2 (Rs. 250) Class III

1. Maulvi Mohammad. Saiyeed Rs. 250 } 1 Hindu.
2. Babu Bijoy Chandra Aikat. } 1 Muslim.

2 (Rs. 200) Class IV

1. Babu Raghunandan Prasad.
2. Babu Baldeo Sahay.
3. (Rs. 150) Class V.
   (New Entrant Rs. 125)
1. Babu Hari Nandan Lal.
2. Babu Anadi Nath Mazumdar. } (New Entrant).
3. Babu Baidyanath Prasad Srivastava. }

Lower Division

1 (Rs. 110—5—150) Class I

1. Babu Jagnarain Lal.

2 (Rs. 100) Class II

1. Babu Kamla Prasad (Special permanent post). Formerly Assistant Accountant. Degraded to lower division.
2. Mr. E. Malachi.

2 (Rs. 90) Class III

1. Maluvi Mohammad Ishaque Mullick.
2. Babu Binoyendra Nath Aikat.

(Rs. 75) Class IV

1. Babu Kunja Behari Sahay

(Rs. 65) New entrant

vacant

3 (Rs. 55) Class V New Scale

1. Babu Sarojendu Mukharji.
2. Babu Indu Prasad Mukharji.
3. Vacant.

3 (Rs. 50) Class VI New Scale

1. Babu Basanti Kumar Banerjee.
2. Babu Purnendu Shekhar Missra.
3. Babu Rameshwar Singh.

2 More posts on Rs. 50/- to Hindus, in 1938.

Babu Sudeva Mukharjee.	
Babu Rabindra Nath Banerjee.	Against the vacant post in Class V Lower Division.

Outside the general cadre

1. (Rs. 150—15—300) Accountant and Treasurer.

1. Babu Shib Narayan Sinha.

1. (Rs. 100—5—150) Assistant Accountant

1. Babu Anit Kumar Chatterji.

1. (Rs. 60—5—85) 2nd Assistant Accountant

1. Vacant.

Percentage in No.

Hindus	..	23
Muslims	..	2

MUSLIMS 2 OUT OF 25 *i. e.* LESS THAN 8%

		Pay Rs.
Hindus	..	2,810
Muslims	..	340

MUSLIMS 6.46 P. C.

SENIORITY LIST OF PERMANENT STAFF IN THE PUBLIC WORKS DEPARTMENT, SECRETARIAT (ROADS & BUILDINGS) CORRECTED UP-TO-DATE

No.	Name	Date of birth	Date of appointment to grade	to service (permanent)	Pay	Remarks
	One Registrar on Rs. 500/20/600.					
					Rs.	
	Mr. M. J. Patel	21-1-89	18-10-36	1-7-07	500	
	UPPER DIVISION					
	CLASS I					
	Two Head Assts. on 350/20/1-450				Rs.	
1.	Babu N. N. Dass Gupta, B.A.	Nov. 1882	24-11-28	13-12-06	450	
2.	Babu B. B. Fauzdar	1-11-89	7-1-37	10-8-12	350	Provisional Permanent
	CLASS II					
1.	Maulvi A. Hafiz	1902	21-4-37	22-12-25	275	Do.
	CLASS III					
	Two Assts. on Rs. 250					
1.	Babu N. C. Ghose	Nov. 1883	7-1-37	6-11-05	250	Permanent Prob.
2.	Babu J. C. Gupta	16-3-84	21-4-37	1-3-11	250	Provisional Permanent.
	CLASS IV					
	Four Assts. on Rs. 200					
1.	Babu M. K. Chandra	1-9-90	18-12-36	7-1-16	200	
2.	Babu S. S. Sinha	Jan. 1890		1-6-17	200	Officiating on Rs. 27 from 26-2-37.
3,	Babu R. S. Sinha	2-1-10	19-1-37	27-1-33	170	Permanent on Prob.
4.	Babu R. N. Chakerverty.	Sept. 1888	21-4-37	1-6-17	200	Provisional Permanent.

No.	Name	Date of birth	Date of appointment to grade	to service (permanent)	Pay	Remarks
	CLASS IV					
	Three Assts. on Rs. 150				Rs.	
1.	Babu Rajeshwar Prasad	16-7-88	19-1-37	15-6-13	150	On Prob.
2.	Babu Jamini Ranjan	1-2-12		2-8-37	85	Do
3.	Vacant					
	LOWER DIVISION					
	CLASS I					
	One Asst. on Rs. 110/5/150					Babu J. R. Dass is being entertained on Rs. 100 against this post.
1.	Vacant					
	CLASS II					
	Three Assts. on Rs. 100					
1.	Babu N. C. Sen	18-11-92	18-12-36	1-6-17	100	
2.	Babu J. R. Dass Gupta	29-3-97	19-1-37	2-1-22	100	Permanent on Prob. against vacant post on Rs. 110-5-150 in the lower division officiating on Rs. 150.
3.	Babu Bhan Prakash	1-3-99	6-6-37	1-4-23	100	Permanent Prob.
	CLASS III					
	Three Assts on Rs. 90					
1.	Babu M. M. Bysak	16-5-94	13-12-36	1-4-23	90	
2.	Babu D. N. Sabay	8-1-95	19-1-37	1-4-23	90	On Prob.
3.	Babu Bhubaneshwar	1-2-02	6-5-37	30-8-20	90	Do. Draw shorthand allowance on Rs. 50 as steno to Under Secretary.

Percentage in Nos.	Pay	
		Rs.
Muslim 1 out of 15 posts	Hindu	2445
Muslims—5.58 P.C.	Muslims	275
	Muslims 7 P. C.	

MOTIHARI DISTRICT

Public Works Department

It has 3 Circles—Bhagalpore, Muzaffarpur and Champaran:

CHAMPARAN P.W.D.

Name	Hindus	Muslims	Total
(*a*) Correspondence clerks including 3 probationers	56	2	58
(*b*) Passed Accounts Clerks	8	0	8
(*c*) Unpassed Accounts Clerks	12	1	13
(*d*) Estimators	7	0	7
(*e*) Draftsman	9	4	13
	92	7	99

Percentages in No.

Hindus	.. 92
Muslims	.. 7
Muslims 7 out of 99	.. 8%

L.S.G. SECRETARIAT

Name	Pay: Old Scale	Pay: New Scale
Upper Division		
CLASS I		
	Rs.	Rs.
1. Babu P. Dass	350—20—450	300—15—375
2. Babu S. N. Prasad	„ 430	„
CLASS II		
1. Babu Shiva Prasad	275	240
CLASS III		
1. Babu B. K. Chattarji	250	210
2. Babu S. L. Bose	„	„
CLASS IV		
1. Moulvi I. Ismailee	200	170
2. Babu A. P. Roy	„	„

Name	Pay: Old Scale Rs.	Pay: New Scale Rs.
CLASS V		
1. Babu N. N. Roy	150	125
2. Babu G. C. Banerji	,,	,,
3. Maulvi Sharafat Hussain	,,	,,
Lower Division		
CLASS I		
1. Babu Raghubans Sahay	110—5—150	90—5—130
CLASS II		
1. M. A. Gaffar	100	85
CLASS III		
1. Maulvi Anwar Ali	90	75
2. Babu Ganesh Prasad	,,	,,
CLASS IV		
1. Maulvi Abdul Rub	75	65
2. Babu Jadunandan Prasad	,,	,,
CLASS V		
1. Babu S. C. Jain	65	55
2. Babu S. N. Day	,,	,,
CLASS VI		
1. Babu Munder Sinha	55	50
2. Maulvi Nabi Hassan	,,	,,
3. M. Syed Mohammad	,,	

Percentage in No.

Hindus .. 14
Muslims .. 7
Muslim 7 out of 21 = 33.3%

Percentage in Pay

	Rs.	
Hindus ..	2635	= 23.1%
Muslims ..	630	

Muslims 23.1%

BIHAR AGRICULTURAL SERVICE

There are 5 officers in the newly-created Cane-Development Department, 4 Assistant Directors of Agriculture and one Marketing officer, of these 5 posts 4 have already been given to the Hindus and the other is also to go to another Hindu. The other 4 posts in the Agricultural Department have also been given to Hindus. Thus out of 9 posts, only one may go to a Muslim and this also seems doubtful.

PALAMAU DISTRICT

The Palamau District Board figures as given below show that out of 21 different branches of office and posts 18 have not got a single Muslim employee :—

	Name of Post	Hindus	Muslims	Total
1.	District Engineer	1	0	1
2.	Supervisor	1	0	1
3.	Overseers	2	0	2
4.	Sub-Overseers	6	0	6
5.	Project Overseers	1	0	1
6.	Amin	1	0	1
7.	Doctors	16	2	18
	ENGINEER'S OFFICE			
1.	Clerks	6	0	6
2.	Paid Probationer	1	0	1
3.	Store Clerk	1	0	1
4.	Estimator	1	0	1
5.	Asst. to the Estimator	0	2	2
6.	Peons	3	0	3
7.	Road Munshi	3	0	3
8.	Mistry	1	0	1
9.	Daftari	0	1	1
10.	Godown Chaukidar	1	0	1
	VICE-CHAIRMAN'S OFFICE			
1.	Clerks	10	0	10
2.	Pd. Probationer	1	0	1
3.	Peons	3	0	3
4.	Daftari	1	0	1
	Total	60	5	65

Hindus .. 60
Muslims .. 5

Percentage in Nos.

Muslims out of 65 .. 8.4%

EDUCATION SERVICES IN BIHAR DURING CONGRESS GOVERNMENT

INSTRUCTING BRANCH OF THE SUBORDINATE EDUCATION SERVIC

1. Lower Division :—

   Hindus .. 162
   Muslims .. 31
   Muslims 31 out of 193=20%

2. Upper Division :—

   Hindus .. 29
   Muslims .. 5
   Muslims 5 out of 34=7%

3. District Inspectors :—

   Hindus .. 14
   Muslims .. 2
   Muslims 2 out of 16=12.5%

4. Lower Branch of Teaching Branch.

   Hindus .. 189
   Muslims .. 59
   Muslims 59 out of 248=20%

5. Upper Branch of Teaching Branch

   Hindus .. 35
   Muslims .. 7
   Muslims 7 out of 42 .. 16.6%

6. Sadar Sub-Inspector of Schools

   No Muslim in this Post in the Whole of the Province.

PATNA LAW COLLEGE

In this first grade college there are 2 permanent posts, that of the Principal and the Vice-Principal and there are 7 part-time lecturers each for 3 years on a pay of Rs. 150/- per month. The whole staff is outside the ordinary grades. Of these posts 4 were held by Muslims and 3 by Hindus. In October 1939, their terms of services having expired, the Congress Ministry appointed 5 Hindus and 2 Muslims to these part-time posts, removing 2 Muslim Lecturers, one of whom had shortly before been

elected as the Secretary of the Provincial Muslim League, thus reducing the previous figure of 4 Muslim Lecturers to 2 and appointed Hindus in their place, obviously for the reason that the Muslims in this college had more than their share of the posts and were in excess of the accepted 25 p. c.

In this connection it seems relevant to set out the figures given below showing the percentages of the Muslims in the 6 other first grade colleges in the Province.

PATNA DISTRICT

1. Patna College

Europeans	.. 3
Hindus	.. 43
Muslims	.. 12
12 Muslims out of 57	
Muslims	.. 20 p. c.

PAY

	Rs.
All 12 Muslims	.. 3757
Only 4 Hindus out of 43	.. 4320

2. Science College

Muslims 2 out of 22	
Muslims	= 9 p. c.

PAY

	Rs.
2 Muslims	.. 720
1 Hindu Alone	.. 1900

3. Training College

Muslim 1 out of 8	= 12.5 p.c.

PAY

	Rs.
1 Muslim	.. 200
1 Hindu	.. 630

4. Engineering College

European	.. 1
Hindus	.. 12
Muslims	.. 2
Muslims 2 out of 15	.. 13.4 p. c.

PAY

		Rs.
I Hindu	..	1250
2 Muslims	..	1170

5. Prince of Wales Medical College

Europeans	..	2
Hindus	..	33
Muslims	..	5
Muslims 5 out of 40	..	12.5 p. c.

PAY

		Rs.
1 Hindu	..	2450
5 Muslims	..	1740

MOZAFFARPUR DISTRICT

6. G. B. B. College

Hindus	..	27
Muslims	..	3
Muslims 3 out of 30	..	10 p. c.

PAY

		Rs.
One Hindu	..	1750
All 3 Muslims	..	845

These figures tell a wearisome tale. There seems no need to give further figures. The point we desire to bring out, is that the disparity in the percentages of Muslims and Hindus in the only college, where the disparity in favour of Muslims existed, has been removed and the correct proportion has been now restored ; while in all the other Government Colleges where the Muslims are obviously at disadvantage the existing position has been maintained. It will be said that these disadvantages had in fact been in existence since before the Congress came into office and that these grievances could not be removed by a stroke of the pen. This must be admitted as true. It must in fairness be admitted, as equally true, that there was no necessity to at once remove the existing disparity in the Law College alone. After all this disparity meant the Muslims getting Rs. 300/- per month in excess. It is the mentality behind these actions that counts and it is too transparent to be camouflaged.

PATNA HIGH COURT

	Number		Pay	
	Hindus	Muslims	Hindus Rs.	Muslims Rs.
1. Supdt. Rs. 300-350	4	0	1400	
Asst. 250 Upper	2	1	500	250
Do. 220	2	1	440	220
Do. 180	4	3	720	540
Do. 150	5	0	750	0
Do. 125	5	0	625	0
Do. 100	4	2	400	200
Prob. 65	3	0	195	0
Lower Asst. 100-150	11	5	1650	750
Do. 75	9	2	675	150
Do. 60	11	5	660	300
Do. 50	17	4	850	200
Prob. 35	11	2	385	70
	98	25	Rs. 11050	Rs. 2680
25 Muslims out of 123 Hindus Muslims=20.3%			Pay Muslims=19%	
2. Judgement-Writers Rs. 180-300	7	Muslims Nil	2100	Muslims Nil
3. Stenographers Rs. 156	5	,,	825	,,
4. Asst. C.O. 40	1	,,	40	,,
5. Translators Rs. 250	3	1	750	250
Do. Rs. 220	3	1	660	220
Do. Rs. 190	5	0	950	0
Do. Rs. 160	5	1	800	160
Do. Rs. 105	1	1	105	105
	17	4	Rs. 3265	Rs. 735
Muslims 4 out of 21 = 18 p. c.			Pay Muslims 18.5 p. c.	
6. Daftari Rs. 25	2	3	50	75
7. Jamadar 25	10	2	250	50
8. Peons 10-15	53	14	795	210
9. Offg. Peons 10-12	9	7	108	84
	74	26	1203	419

Muslims 26% Muslims 25 p. c.

Board of Revenue	46	12	4403	730

Muslims 12 out of 58=20 p. c. Muslims 14 p. c.

ARRAH CIVIL COURT

List of the Muslims Employed in the Arrah Civil Court

Grades

Rs. 125 to Rs. 185

Non-Muslims	Muslims	Total
2	0	2
Rs. 100		
1	0	1
Rs. 125		
1	0	1
Rs. 90		
1	1	2
Rs. 75		
4	1	5
Rs. 70		
3	0	3
12	2	14

Percentage in No.

Hindus	.. 12
Muslims	.. 2

2 Muslims out of 14=14.3 p. c.

Percentage in Pay

Hindus	.. Rs. 700
Muslims	.. Rs. 165
Muslims	.. 19 p. c.

Stenographers

Non-Muslims	Muslims	Total
4	0	4

Thi Chart Indicates the Strength of the District Boards of the Province of Bihar and the Ratio of Muslim Representation in the Boards

1	2	3	4	5	6	7	8	9	10	11	12
	Names of the District Boards of the districts of the Bihar Province	Date of Gazette	Elected Members	Nominated Members	Total strength of the Board	Total strength of Muslim Members	Elected Muslim Members	Nominated Muslim Members	Muslim Chairmen	Muslim Vice Chairmen	REMARKS
1	Purnea	16-8-39	27	9	36	13	11	2	Nil	1	
2	Manbhoum	do.	32	8	40	3	1	2	"	Nil	Molvi Hasibur Rehman (Vice Chairman).
3	Gaya	do.	30	10	40	6	2	4	"	1	Quazi Md. Hussain (Vice Chairman)
4	Saran ..	14-8-39	30	10	40	6	3	3	1	Nil	Molvi Sajjad (Chairman)
5	Shahabad ..	30-8-39	30	10	40	4	1	3	Nil	"	
6	Bhagalpore ..	do	27	9	36	6	5	1	"	"	One Muslim elected member died and in his place a Hindu has been nominated and declared elected so the strength in Bhagalpore is now 5.
7	Singhbhoom ..	27-9-39	25	8	33	1	Nil	1	"	"	
8	Hazaribagh ..	do	27	9	36	4	3	1	"	"	
9	Champaran ..	6-9-39	27	9	36	7	6	1	"	"	
10	Palamau ..	5-10-39	25	8	33	2	Nil	2	"	"	
11	Patna ..	5-9-39	30	10	40	6	4	2	"	"	
12	Darbhanga ..	4-9-39	30	10	40	6	2	4	"	"	
13	Monghyr ..	do	31	9	40	7	6	1	"	1	Molvi Rafi Ahmed, Rizwai (M.L.A.) (Vice-Chairman)
14	Muzaffarpore ..	do	30	10	40	5	1	4	"	Nil	
15	Ranchi ..	15-10-39	24	7	31	1	Nil	1	"	"	
16	Santal Paragana	..	..	..	..	..	..	..	"	..	No election held yet
	Total ..		425	136	561	77-1-76	45	32			
				Percentage of Muslim		13·4 P. C.					

KHAGAUL MUNICIPALITY

Designation of the Employees	No. before		No. at present	
	Hindus	Muslims	Hindus	Muslims
Head clerk	—	1	1	—
Second Clerk	1	—	1	—
Tax Darogha	1	—	1	—
Probationer	—	—	1	—
Overseer	1	—	1	—
Tax Collectors	1	—	2	—
Lamp-Men	2	1	2	—
Jamadars	2	1	2	1
Darban & Chaukidar etc.	3	—	3	—

Percentages

Hindus	.. 14
Muslim	.. 1
Muslims	.. 7.1%

BETTIAH ESTATE COURT OF WARDS

S. No.	Post	No. of Muslims	No. of Non-Muslims	Pay Rs.	Total No. of Officers
1	Charge Officers	0	1	150	1 (Muslims Nil out of Rs. 150)
2	Revenue Agent	0	4	75	4 (Muslims Nil out of Rs. 300)
3	Office Clerks	0	3	25	3 (Muslims Nil out of Rs. 75)
4	Supervisor	0	5	Rs. 30	5 (Muslims Nil out of Rs. 150)
5	do.	0	6	25	6 (Muslims Nil out of Rs. 150)

S. No.	Post	No. of Muslims	No. of Non-Muslims	Pay	Total No. of Officers
6	Amins	0	6	25	6 (Muslims Nil out of Rs. 150)
7	Moharrir	12	114	20	126 (Hindus 114 Muslims 12)
8	Daftari	0	1	10	1 (Muslims Nil out of Rs. 10)
9	Orderly	0	1	10	1 (Muslims Nil out of Rs. 10)
10	Peons	8	14	10	22 (Hindus 14 Muslims 8)

Percentage			Pay
Hindus	..	155	Percentage
Muslims	..	20	Hindus Rs. 2040
Muslims	..	12.9 p.c.	Muslim Rs. 240
			Muslims 11·7%

CONCLUSION

The preceding pages give a catalogue of some of the Muslim complaints against the Congress Government and causes of the present Muslim discontents. As stated above the previous Report is still unchallenged. The Congress High Command, however, and some of their Muslim henchmen, paid or unpaid, have said in effect or in actual terms that all the complaints of the Muslims are baseless and without any foundation. These denials do not and cannot alter existing facts. These ipse-dixits lead nowhere. These denials however, expose the fact, that the mentality to encourage these oppressions by their acts of commission and innumerable acts of omission still persists. If and when they return they must come back in a chastened mood and with an altered mentality. In the meanwhile the Muslims have a sigh of relief, for this possibly only temporary cessation of their misfortunes. To tell a patient who has received an injury and felt pain from which he now feels relief that he should wait for a Doctor who will examine him and tell him whether he ever felt any pain at all and till then not to give

thanks for the relief he feels, seems utterly puerile. Such Muslims as have undergone suffering and feel relief from such sufferings and also feel that they can stand before their God, with a clear conscience and render their thanks to Him, not only may but should render such thanks. They should do so however in humility and bow down in a mood of reflection and not joy and triumph. They should also pray with an equally clear conscience that He may permit only such Governments to come into existence as will be just ones and will protect them and their rights. Whatever else may be, this surely is not a matter of controversy. This is no concern of others. These things are between the Muslims and their God. There it must rest.

The whole of these oppressions on and sufferings of Muslims have been due to, as shown in the earlier pages of this report, to the Congress High Command's desire to force the Gandhian ideology, his Vedic philosophy, his psychology and his basic ideas of religion, down the unwilling throats of all Indians including the Muslims. The Congress High Commands [*sic.*] are undoubtedly no believers in the principles "To you your religion to me mine" or "no compulsion in matters of religion". If the Congress itself is unwilling to give this relief then those in whose hands lay the protection of the Muslims must exercise their powers under the act.

Even if this fails the Muslims will rely on themselves and obtain relief. In any case these oppressions must cease.

S. M. Shareef, (*President*)	Mazhar Imam
Tamanna Emadi	Abrar Husain
Zamiruddin Ahmad	Husain Mian
S. Imteyaz Karim	Syed Hasan
S. M. Majeed	Abbas Vidyarti
A. H. Fakhruddin	S. Naimul Haq (*Secretary*)

APPENDIX

OPINION

OF

Mr. KHURSHAD HASNAN
Advocate, High Court, Patna

Speaking for myself the Report which has been published ought to be welcomed by the Congress and its responsible leaders should entertain it with kindness and forbearance. With better resources in their hands the Hindu brethren, each and all, are afforded opportunity to make enquiries about the correctness or otherwise of the incidents mentioned. Why should Dr. Rajendra Prasad call the aid of the Chief Justice of the Federal Court or even the High Command of the Muslim League seek for a Royal Commission. Let every citizen of India have a copy of the Report with him and of [*sic.*] and on, and in hours of quietude make his conscience an adjutor and whichever event appeals to him, he should set his mind to that. He should then ascertain it for himself and pass his judgement. He should not be guided by the pre-judging pronouncement of the Congress Working Committee members who have almost given a sweeping verdict of hypocritic lies against the Muslims and a certificate of innocence to the Minister. In short in my humble opinion, yeomen service has been rendered by the Muslim League Organisation in the enumeration of the ill-treatments accorded to Muslims in Bihar.

From the year 1924 up till now I have passed the life of a lip-sealed person. But my ears have been opened and I am not blind. There can be no doubt that Muslims in the Bihar Province have not been in peace during the last regime. For some time I characterised the Ministry as Simon Ministry. The constitution was not acceptable by [*sic.*] the Congress and I took it that a few people had been given the fiat to experiment over the new constitution and that the Congress awaited the result. The inconsistency of 'Wrecking' and 'Working' the constitution was also unminded. I know also that some of the prominent people in Bihar had high hopes about the new administration. The Congress adopted the Ministry as its own and then came the disappointment. In no time it was disclosed that partiality, tactlessness and hothaste are no

words for the procedure adopted by the Ministry. But the worst of it was that while on the one hand Mr. Sahajanand hurled abuses on the Ministers with immunity the Mussalmans for raising voice of protest were maltreated. In the name of rendering thankless services to tenants the zamindars were deprived of the rents and produce; likewise in protecting the debtors, the money lenders were asked to have their debts repaid on national value of landed properties. In the interior the Congress slogan was that the zamindars and zamindaris will be destroyed and meet the 'Chhai' and 'Nas'. The illdigested Bolshevik doctrine which has been advocated by Pundit Jawahir Lall Nehru has come in as a curse. The result was lawlessness as a rule in the villages. Dacoities and crimes in general increased by leaps and bounds. But with all this the unconscionable defence of good reporting of crimes was advocated in defence of the Ministry. Instead of whitewashing the unfortunate state of affairs sound advice and lawful corrections would have served better and after all the personnel consisted of men who were not at all conversant with administrative and executive moves and actions of a Province The task became more difficult because of the English civil servants and the indifference of the Governor. The more one speaks in defence of the ministry, the graver becomes the charge on the Congress Working Committee for having (1) adopted the Simon Ministry as Congress Ministry (2) for having let them loose without guidance and (3) last of all for speaking in their favour and ignoring their misdeeds. The result was that like spoiled children the Ministers went on in their own way.

IN THE PROVINCE OF BIHAR THERE HAD BEEN A GENERAL PANIC UNDER THE SO-CALLED CONGRESS REGIME. BY THEIR WITHDRAWAL EVERY ONE IS NOW RELIEVED OF THE NUISANCE. BUT EITHER BECAUSE OF THEIR MINORITY AND POVERTY OR BECAUSE OF THE FANATICISM OF THE MAHASABHIC DOCTRINE OF ANNIHILATING THE MUSLIMS, THE MUSLIMS IN BIHAR HAVE BEEN THE GREATEST SUFFERERS.

In concluding these few words, I cannot but thank my friend Mr. Shareef for having called upon me to give expression to my views. Muslims have to live in India which is their Mother Land. They must seek peace and prosperity and the first step is to open up their mind and place on the table their sufferings and miseries so that they might be

redressed by those that may be at the helm of national affairs. If the Congress claim to represent the whole of India it must take the Mussalmans in its fold through the Muslim League in a judicious spirit and be not worried at their complaints.

"Uneasy lies the head that wears a crown". The subsidised Mullas or self-serving favoured people from among the Muslims won't help to advance the Muslim cause on national lines and are stumbling blocks to the All-India National aspirations. Personally I am not yet a member of the All-India Muslim League as I do not find it palatable to me to sever my connections from the Indian National Congress. Nor can I be a member of the Indian National Congress until it recognises the Muslim League as the authoritative representative of the Muslim cause. But for Muslims in general there is no means of salvation except the strengthening of the All-India Muslim League as the one solid organisation to determine and to guide the actions of Indian Mussalmans on Indian national lines.

KHURSHAD HUSNAN
19-12-1939

Prk Movement
Vol. I